

Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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DIRECTOR
Public Services Division
Scott Cancelosi

PUBLISHER
Secretary of State
MICHELE REAGAN

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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PUBLISHER
SECRETARY OF STATE
Michele Reagan

PUBLIC SERVICES STAFF

DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

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A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

CONTACT US
The Honorable Michele Reagan
Office of the Secretary of State
1700 W. Washington Street, Fl. 7
Phoenix, AZ 85007
(602) 364-3223

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

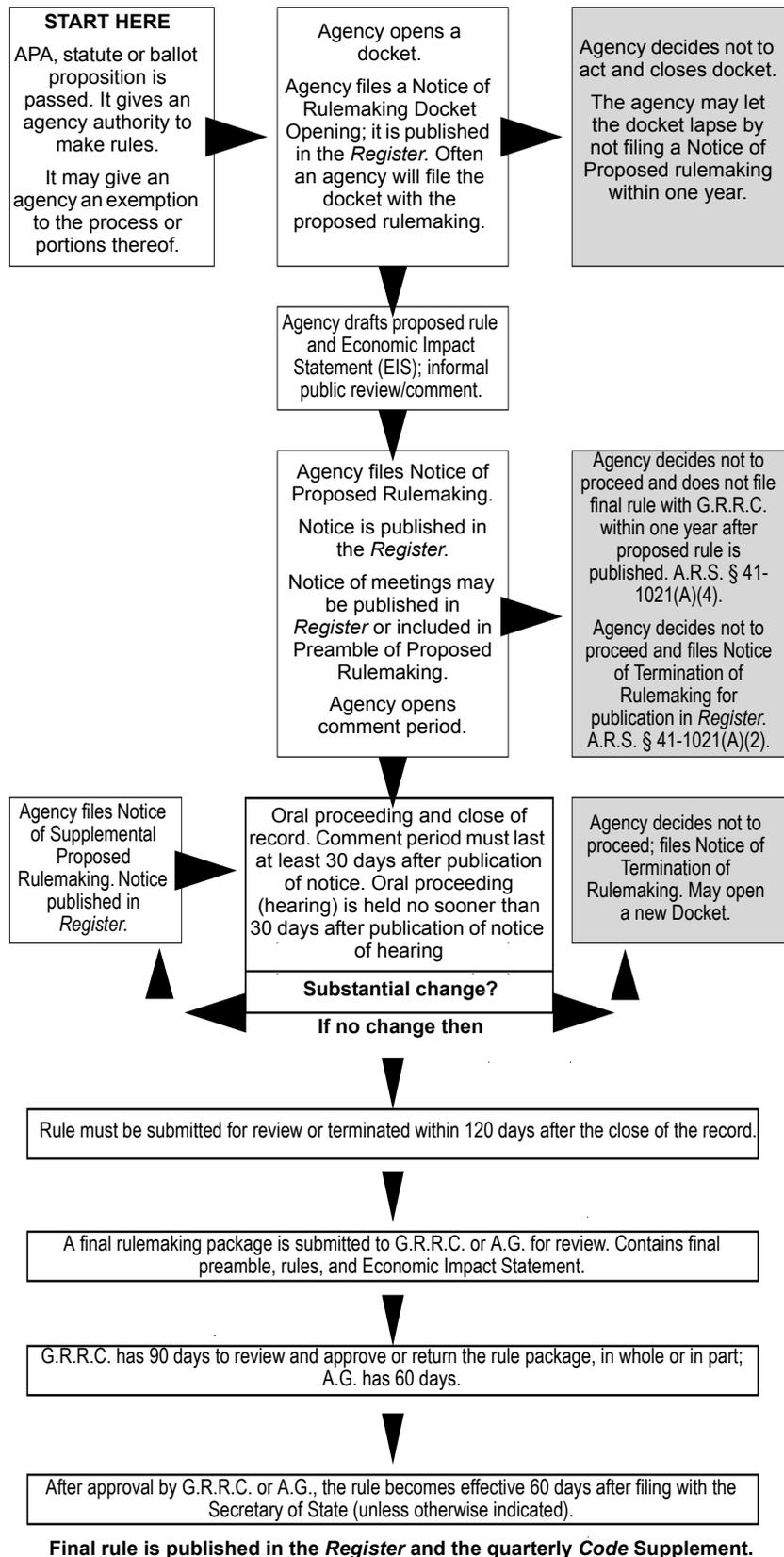
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF PROPOSED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same Register issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the Register within three weeks of filing. See the publication schedule in the back of each issue of the Register for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 45. BOARD OF RESPIRATORY CARE EXAMINERS

[R16-35]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R4-45-101 Amend
R4-45-102 Amend
R4-45-105 Amend
R4-45-201 Amend
R4-45-203 Amend
R4-45-205 Amend
R4-45-213 Repeal
R4-45-218 Amend
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 32-3504
Implementing statute: A.R.S. §§ 32-3504, 32-3506(C), 32-3521, 32-3522, 32-3523, 32-3524, 32-3526
3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:
Notice of Rulemaking Docket Opening: 20 A.A.R. 2808, October 17, 2014
Notice of Rulemaking Docket Opening: 21 A.A.R. 3085, December 4, 2015
4. The agency's contact person who can answer questions about the rulemaking:
Name: Jack Confer, Executive Director
Address: Board of Respiratory Care Examiners
1400 W. Washington, Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-5990
Fax: (602) 542-5900
E-mail john@rb.az.gov
Website: www.respiratorycare.az.gov
5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:
The Board is amending and repealing some of its rules in Articles 1 and 2 to make them conform to current changes in Board policy. The Board has determined that the Registered Respiratory Therapist (RRT) credential will be required for licensure as a respiratory therapist in Arizona instead of the Certified Respiratory Therapist (CRT) credential. The Commission on Accreditation for Respiratory Care has adopted new accreditation standards for respi-



ratory care therapists that set the standard of minimum level of competency by examination pursuant to A.R.S. § 32-3504(D). The RRT examination is a higher level of competency than the CRT examination and contains clinical questions. The CRT examination does not contain clinical questions. The rules will allow respiratory therapists with a CRT credential who apply for a license before January 1, 2017 to be “grandfathered”, which allows the respiratory therapist to continue to practice or obtain a license without earning the RRT credential.

R4-45-213 for temporary licenses is being repealed because its statutory authority has been repealed and the Board no longer issues them. References to temporary licenses in the rules have been repealed throughout the rules.

The Board sent a copy of the rules to the Arizona Society of Respiratory Care and the American Association of Respiratory Care and posted the rules on the Board’s website to solicit comments on the rules and the rules’ economic impact. The Board did not receive any comments from these solicitations.

The Board is submitting this rulemaking to the Secretary of state’s office in accordance with the exemption authorization under item (2)(b) of Executive Order 2015-01, State Regulatory Rulemaking Moratorium. The rulemaking exemption was approved by the Governor’s office on February 13, 2015 and May 22, 2015.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not review or rely on any study.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

None

8. The preliminary summary of the economic, small business, and consumer impact:

Annual cost/revenue changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$5,000, and substantial when greater than \$5,000.

The changes to the rules may affect the Board, an applicant, a licensee, schools that provide a respiratory care program, health care institutions, and consumers.

The Board has determined that the RRT credential will be required for licensure as a respiratory care therapist in Arizona. Thus, the Board is changing the credential it requires of a respiratory care therapist from the CRT to the RRT. The Registry Examination system was developed to objectively measure knowledge, skills, and abilities required of advanced respiratory therapists and to set uniform standards for measuring such knowledge. Many health care institutions expect services at the RRT level, but there are no costs to them. The Board is eliminating all references to temporary licenses throughout the rules. One of these rules is R4-45-102 for Fees. The Board is not increasing or decreasing any of its fees, but is removing the reference to temporary license. The Board is not increasing costs for an application or application renewal, so all fees for applicants remain the same. Costs should not increase to schools because schools have already updated their curriculum in the accreditation process. Respiratory therapists who apply for license before January 1, 2017 may be “grandfathered” into licensing, which allows the respiratory therapist to continue to practice without earning the RRT credential. The Board should experience moderate costs for writing the rules and economic impact statement.

The Board currently licenses about 4,100 individuals. Costs should not increase to a licensee due to amendment or repeal of the rules.

Consumers benefit from rules that require respiratory therapists to qualify at a higher level. Consumers should not experience increased costs. The Board, applicants, licensees, and consumers should benefit from rules that are clearly and consistently written.

9. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Jack Confer, Executive Director
 Address: Board of Respiratory Care Examiners
 1400 W. Washington, Suite 200
 Phoenix, AZ 85007
 Telephone: (602) 542-5990
 Fax: (602) 542-5900
 E-mail: john@rb.az.gov
 Website: www.respiratorycare.az.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Board will hold an oral proceeding regarding the proposed rules as follows:

Date: April 11, 2016



Time 10:00 a.m.
Location: 1400 W. Washington, Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-5990
Fax: (602) 542-5900
Website www.respiratorycare.az.gov

The rulemaking record will close at 5:00 p.m. on April 11, 2016.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

No, the Board is issuing an individual license to each person who qualifies for licensure as proof of being licensed. Because the qualifications of each applicant are different, the Board must act on each license separately.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is not applicable to the subject of the rules.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

The Board did not receive such an analysis from any person.

12. A list of any incorporation by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 45. BOARD OF RESPIRATORY CARE EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

- Section R4-45-101. Definitions
R4-45-102. Fees
R4-45-105. Electronic Communication

ARTICLE 2. LICENSURE

- R4-45-201. Application
R4-45-203. Examinations
R4-45-205. Application Based on Licensure By Another State
R4-45-213. Temporary Licensure Repeal
R4-45-218. Reinstatement Following Revocation; Modification of Probation

ARTICLE 1. GENERAL PROVISIONS

R4-45-101. Definitions

In addition to the definitions in A.R.S. § 32-3501, in this Chapter, unless otherwise specified:

"Applicant" means an individual who meets the qualifications of A.R.S. § 32-3523 and applies for licensure under A.R.S. § 32-3522.

"Approved continuing education" means a planned course or program that the Board confirms meets the criteria in R4-45-210 or is approved by the American Association for Respiratory Care or the Arizona Society for Respiratory Care.

"Contested case" has the same meaning as prescribed in A.R.S. § 41-1001.

"Continuing education unit" or "CEU" means a segment of an approved continuing education.

"CRT examination" means the objective measure of essential knowledge, skills, and abilities required of an entry-level respiratory therapist, which is approved by the Board and administered by the NBRC.

"Day" means calendar day.



“Direct supervision” means that a licensed respiratory care practitioner, or physician licensed under A.R.S. Title 32, Chapters 13 or 17, is physically present at a work site and readily available to provide respiratory care to a patient ~~or observe and direct the practice of a temporary licensee.~~

“Executive Director” means the officer employed by the Board to perform administrative and investigative functions.

“Grandfathered” means to license a respiratory therapist who has a CRT credential and applies for licensure before January 1, 2017 without meeting the qualifications required by these rules.

~~“Individual,” as used in A.R.S. § 32-3521(B)(4), means only those persons listed with current, valid certifications, registrations, or licenses acting within the scope of their authorized practice.~~

“License” means the document issued by the Board to practice respiratory care in Arizona.

“License application package” means a license application form and any documents required to be submitted with the license application form.

“Licensee” means an individual who holds a current license issued under A.R.S. Title 32, Ch. 35.

“National Board for Respiratory Care, Inc.” or “NBRC” means the national credentialing board for respiratory therapy.

~~“Party” has the same meaning as prescribed in A.R.S. § 41-1001.~~

“Pharmacological, diagnostic, and therapeutic agents,” as used in A.R.S. § 32-3501(5), means medications that are aerosolized and given through artificial airways or vascular access.

“RRT credential” means an award issued to a respiratory therapist by the NBRC who passes the RRT examination.

“RRT examination” means the objective measure of essential knowledge, skills, and abilities at a level that is higher than the CRT examination and that is required of a respiratory therapist and approved by the Board.

~~“Temporary license” means the document issued by the Board under A.R.S. § 32-3521 that allows an applicant to practice respiratory care under direct supervision before the Board issues the applicant a license.~~

“Verification by a licensed respiratory therapist,” as used in A.R.S. § 32-3521(B)(7) and (C), means a licensee’s written confirmation, before equipment is delivered, that the equipment is consistent with the patient’s prescription and needs.

“Verification of license” means a form the Board provides to an applicant to submit for completion by a state to confirm that the applicant currently holds or previously held a license, certification, or registration from that state.

R4-45-102. Fees

A. No change

1. No change
2. No change
3. No change
4. No change
5. ~~Renewal of a temporary license, \$75;~~
- 6-5. No change
- 7-6. No change
- 8-7. No change
- 9-8. No change
- 10-9. No change
- 11-10. No change

B. No change

R4-45-105. Electronic Communication

A. No change

1. No change
2. No change
3. No change
4. ~~Temporary license renewal application;~~
- 5-4. No change
- 6-5. No change
- 7-6. No change

B. No change

C. No change

D. No change



ARTICLE 2. LICENSURE

R4-45-201. Application

- A. In addition to meeting the qualifications listed in A.R.S. § 32-3523(A), an applicant for a license to practice as a respiratory care practitioner shall submit the following information on the Board's license application form:
 1. ~~Applicant's~~ The applicant's full name and Social Security number;
 2. ~~Applicant's~~ The applicant's current mailing, permanent and e-mail addresses;
 3. ~~Current~~ The applicant's current employer's name, address, and telephone number;
 4. ~~Current~~ The applicant's current employment position and beginning date of employment;
 5. ~~Applicant's Current~~ The applicant's current supervisor's name and telephone number;
 6. ~~Applicant's~~ The applicant's area of care or specialty;
 7. ~~Applicant's~~ The applicant's birth date;
 8. ~~Applicant's~~ The applicant's home and work telephone numbers;
 9. No change
 10. A statement of the facts entitling the applicant to take the ~~CRT~~ RRT examination, ~~or~~ to receive a license without examination under R4-45-206;
 11. ~~Name~~ The name of any state or province in which the applicant has been granted a certification, registration, or license as a respiratory care practitioner; including the number, date issued, expiration date, and a statement whether that certificate, registration, or license has ever been the subject of discipline, censure, probation, practice restriction, suspension, revocation, or cancellation;
 12. No change
 13. No change
 14. No change
 15. No change
 16. No change
 17. No change
 18. No change
 19. ~~Applicant's~~ The applicant's physical description, including height, weight, and eye and hair color;
 20. ~~Highest~~ The highest level of education completed by the applicant;
 21. Evidence of the applicant's U.S. citizenship, alien status, legal residency, or lawful presence in the U.S.;
 22. No change
 23. No change
 24. ~~Applicant's~~ The applicant's certification that the information provided is true and complete and that the applicant has not engaged in any act prohibited by Arizona law or this Chapter.
- B. An applicant shall submit or have submitted on the applicant's behalf the following with the license application form:
 1. If NBRC-certified ~~or~~ registered, a copy of the applicant's:
 - a. NBRC-issued ~~certification or~~ registration; ~~or~~
 - b. ~~CRT~~ RRT examination results; or
 - c. If grandfathered, CRT examination results.
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
- ~~C.~~ ~~The Board shall issue a temporary license to an applicant who is qualified under R4-45-213.~~
- ~~D.~~ ~~C.~~ An applicant shall inform the Board in writing of a change in the applicant's address or other contact information within 10 days from the date of the change.
- ~~E.~~ ~~D.~~ No change
 1. No change
 2. No change
 3. No change

R4-45-203. Examinations

- A. Except when a license may be issued without an examination under A.R.S. § 32-3524 or grandfathered, an applicant shall pass the ~~CRT~~ RRT examination. The passing score is the scaled score set by the NBRC.
- B. An applicant shall inform the Board as soon as possible by one of the following methods that the applicant passed the ~~CRT~~ RRT examination:
 1. No change
 2. No change

R4-45-205. Application Based on Licensure by Another State

If an application for a license is based on licensure by another state, the applicant shall cause the state that issued the license to deliver to the Board:



1. No change
2. No change
3. Either a copy of the results of the ~~CRT RRT~~ examination or a copy of another examination administered to the applicant, the results of the other examination, and any information necessary to enable the Board to determine whether the other examination is equivalent to the ~~CRT RRT~~ examination.

R4-45-213. Temporary Licensure Repeal

- ~~A.~~ To be considered for a temporary license, an applicant shall submit a license application package, as described in R4-45-201, and pay the application fee. The Board shall issue a temporary license, valid for eight months, to the applicant only if the Board's Executive Director determines, after reviewing the license application package, that the applicant has never held a temporary license and is eligible to receive a license except that one or more of the following documents are missing from the license application package:
1. Passing score on the CRT examination;
 2. Verification of license from another in which the applicant is or was licensed;
 3. Certified copy of course transcripts and descriptive information regarding the applicant's course of study at a foreign respiratory therapy school, or
 4. Completed federal and state criminal background check.
- ~~B.~~ An applicant who is issued a temporary license shall:
1. Perform respiratory care services only under direct supervision;
 2. Not supervise a licensee or another temporary licensee, and
 3. Work as an instructor or in a management position only if issued the temporary license under A.R.S. § 32-3524.
- ~~C.~~ A temporary licensee who applied for licensure under A.R.S. § 32-3524 may renew the temporary license for an additional 120 days by submitting a request for renewal to the Board on a form prescribed by the Board.
- ~~D.~~ A temporary licensee who is required by A.R.S. § 32-3523 and R4-45-201 to pass the CRT examination before becoming licensed may renew the temporary license for an additional 120 days by submitting to the Board:
1. A request for renewal on a form prescribed by the Board, and
 2. Evidence that the temporary licensee has either:
 - a. Passed the CRT examination, or
 - b. Attempted to pass the CRT examination and is registered to take the next scheduled CRT examination.
- ~~E.~~ The request for a renewal temporary license shall:
1. Include an address of record;
 2. Be typed or written in black ink;
 3. Be signed by the applicant;
 4. Be accompanied by the following:
 - a. The fee prescribed in R4-45-102(A)(5), and
 - b. A statement under oath that the temporary license has not expired.
- ~~F.~~ A temporary licensee who is required but unable to submit the evidence under subsection (D)(2) may request an opportunity to explain this inability to the Board.
- ~~G.~~ The Board shall administratively close an application for licensure if the applicant fails to apply for renewal of the applicant's temporary license. The temporary licensee shall apply for renewal no more than 60 days before expiration of the temporary license. An individual who wishes to be considered for licensure after the individual's file is administratively closed shall reapply.
- ~~H.~~ Reapplication under subsection (G) does not qualify an individual for a second temporary license. The Board shall not issue more than one temporary license to an individual.
- ~~I.~~ A temporary licensee is subject to disciplinary action by the Board under A.R.S. § 32-3553.

R4-45-218. Reinstatement Following Revocation; Modification of Probation

- A. No change
- B. If a former licensee wishes to have a revoked license reinstated after the time stated in subsection (A), the former licensee shall meet the qualifications in A.R.S. § 32-3523(A) and comply with R4-45-201. ~~The Board shall not issue a temporary license to a former licensee who applies for reinstatement.~~
- C. No change
1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 2. No change
- D. No change

NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

[R16-31]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|--------------------------|
| R13-4-101 | Amend |
| R13-4-102 | Amend |
| R13-4-103 | Amend |
| R13-4-104 | Amend |
| R13-4-105 | Amend |
| R13-4-106 | Amend |
| R13-4-107 | Amend |
| R13-4-108 | Amend |
| R13-4-109 | Amend |
| R13-4-109.01 | Amend |
| R13-4-110 | Amend |
| R13-4-111 | Amend |
| R13-4-112 | Amend |
| R13-4-114 | Amend |
| R13-4-116 | Amend |
| R13-4-117 | Amend |
| R13-4-118 | Amend |
| R13-4-201 | Amend |
| R13-4-202 | Amend |
| R13-4-203 | Amend |
| R13-4-204 | Amend |
| R13-4-205 | Amend |
| R13-4-206 | Amend |
| R13-4-208 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 41-1822(A) and (B)
Implementing statute: A.R.S. § 41-1822(A)(3)-(A)(4); (B)(1)-(B)(3); and (C)(1)
- 3. The effective date for the rules:**
As specified under A.R.S. § 41-1032(A) and except as provided under item 3(b), the rules will be effective 60 days after the rule package is filed with the Office of the Secretary of State -- April 8, 2016.
- a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
Not applicable
- b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S.**

**§ 41-1032(B):**

A.R.S. § 41-1823 requires that a rule establishing a minimum qualification for law enforcement officers not go into effect until six months after being filed with the Secretary of State. This provision applies to R13-4-103, R13-4-105, R13-4-107, R13-4-110, and R13-4-111.

This Notice was filed with the Secretary of State on February 8, 2016.

4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 21 A.A.R. 2784, November 13, 2015

Notice of Proposed Rulemaking: 21 A.A.R. 2711, November 13, 2015

5. The agency's contact person who can answer questions about the rulemaking:

Name: Jack Lane

Address: Arizona Peace Officer Standards and Training Board
2643 E. University
Phoenix, AZ 85034

Telephone: (602) 774-9364

Fax: (602) 244-0477

Web site: www.azpost.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

In response to a five-year-review report approved by the Council on June 7, 2011, and statutory changes (See Laws 2011, Chapter 303), the Board is updating its rules to make them consistent with statute, agency practice, and current rule-writing standards.

An exemption from Executive Order 2015-01 was provided to the Department by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated July 29, 2015.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The Board believes the following changes made in this rulemaking will have minimal economic impact:

- Clarifying that an outside provider of training may provide only continuing training;
- Clarifying that the Board may withdraw its confirmation that a continuing training course conducted by an outside provider meets requirements of the basic peace officer course if the Board receives information that the course content does not meet requirements;
- Adding requirements regarding the time within which an open enrollee must obtain an appointment and additional training requirements if an appointment is not obtained within the specified time;
- Establishing that illegally possessing marijuana, as well as illegally using it, disqualifies an individual from being a peace officer. A definition of illegal is added;
- Simplifying the medical assessment of whether an individual is able to perform the essential functions of the job of peace officer;
- Adding three grounds for denial, suspension, or revocation of certification;
- Adding that certification as a specialty or limited-authority peace officer requires passing relevant portions of the comprehensive final examination;
- Adding a requirement that a cadet or state correctional officer complete a Board-approved field training program; and
- Deleting salary as a reimbursable training expense.

The Board made the following changes but believes they will have no economic impact:

- Clarifying the difference between an individual who is appointed to an academy and one who attends an academy as an open enrollee;
- Deleting reference to a limited correctional peace officer because it is a position that no longer exists;
- Specifying conditions under which an agency may seek to have an individual appointed with restrictions;



- Clarifying restrictions on certified status that result from training or qualification deficiencies;
- Clarifying that it is an agency rather than an individual that applies for a waiver of required training; and
- Clarifying the status, training, and time requirements applicable to obtaining a waiver of required training.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

As a result of public comment received after the close of record and an additional meeting to discuss R13-4-108(A)(3), the Board deleted the subsection from the Notice of Final Rulemaking. This change is not substantial under the standards provided at A.R.S. § 41-1025(B). Persons affected by the rule, law enforcement agencies, remain the same and, as evidenced by their comments, they understood the rule affected them. The subject matter of the rule, reports due to the Board, remains the same. The effect of the rule, dealing with a peace officer who is convicted of or pleads no contest to a misdemeanor or felony, returns to the manner in which this was dealt with before the rulemaking was initiated. Law enforcement agencies are and have always been responsible for dealing with peace officers who behave in a manner contrary to expected standards. With the change, the only difference in effect is that a law enforcement agency does not have to report the behavior to the Board. Other changes made between the proposed and final rulemaking were made and non-substantive.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

No one attended the oral proceeding the Board held on December 15, 2015. In addition to comments received after the close of record, as described in item 10, the Board received three written comments regarding the rulemaking. They were from Leon Wilmot, Terry Young, and David Neuss. The comments and the Board's analysis and response follow. The change made to R13-4-105(A)(9) is clarifying rather than substantive.

COMMENT	ANALYSIS	RESPONSE
R13-4-105(A)(9): This subsection, which says an individual attending an academy shall not have illegally possessed marijuana needs work because it is inconsistent with the requirement at subsection (B)(1), which indicates that illegal possession up to 20 times is consistent with experimentation. Wilmot, Young, and Neuss	The commenter is correct. The Board intended that R13-4-105(A)(9) focus on the sale of marijuana and the illegal possession at issue was illegal possession for sale. The Board amended the subsection to be consistent with the Board's intent.	R13-4-105(A)(9) was rewritten as follows: Not have illegally <u>possessed</u> , sold , produced, cultivated, or transported <u>marijuana</u> for sale <u>or sold</u> marijuana;

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

A.R.S. § 41-1823 requires that a rule establishing a minimum qualification for law enforcement officers not go into effect until six months after being filed with the Secretary of State. This provision applies to R13-4-103, R13-4-105, R13-4-107, R13-4-110, and R13-4-111.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The Board certifies individuals as qualified to perform the functions of a peace officer. This is a general permit because the activities and practices of peace officers are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

No federal law is directly applicable to the subject of these rules. There are many federal laws that apply to law enforcement agencies and the work done by peace officers. These include general laws such as OSHA, EEOC, and ADA, federal laws regarding crimes, and federal case law regarding law enforcement. The training provided to peace officers is consistent with federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules was previously made, amended, or repealed as an emergency rule.



15. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

ARTICLE 1. GENERAL PROVISIONS

Section	
R13-4-101.	Definitions
R13-4-102.	Internal Organization and Control of the Board
R13-4-103.	Certification of Peace Officers
R13-4-104.	Peace Officer Category Restrictions
R13-4-105.	Minimum Qualifications for Appointment
R13-4-106.	Background Investigation Requirements
R13-4-107.	Medical Requirements
R13-4-108.	Agency Records and Reports
R13-4-109.	Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified Status
R13-4-109.01.	Restriction of Certified Peace Officer Status: Training or Qualification Deficiencies
R13-4-110.	Basic Training Requirements
R13-4-111.	Certification Retention Requirements
R13-4-112.	Time frames Time Frames
R13-4-114.	Minimum Course Requirements
R13-4-116.	Academy Requirements
R13-4-117.	Training Expense Reimbursements
R13-4-118.	Hearings; Rehearings

ARTICLE 2. CORRECTIONAL OFFICERS

Section	
R13-4-201.	Definitions
R13-4-202.	Uniform Minimum Standards
R13-4-203.	Background Investigation
R13-4-204.	Records and Reports
R13-4-205.	Basic Training Requirements
R13-4-206.	<u>Field Training and</u> Continuing Training Including Firearms Qualification
R13-4-208.	Re-employment of State Correctional Officers

ARTICLE 1. GENERAL PROVISIONS

R13-4-101. Definitions

In this Article, unless the context otherwise requires:

“Academy” means an entity that conducts the Board-prescribed basic training courses for full-authority, specialty, or limited-authority peace officers.

“Agency” means a law enforcement entity empowered by the state of Arizona.

“Appointment” means the selection by an agency of ~~a person~~ an individual to be a peace officer or peace officer trainee.

“Approved training program” means a course of instruction that meets Board-prescribed course requirements.

“Board” means the Arizona Peace Officer Standards and Training Board.

“Board-trained physician” means an occupational medicine specialist or a physician who has attended a Board course on peace officer job functions.

“Cancellation” means the annulment of certified status without prejudice to reapply for certification.

“Certified” means approved by the Board as being in compliance with A.R.S. Title 41, Chapter 12, Article 8 and this Chapter.

“CFE” means the Board-approved Comprehensive Final Examination that measures mastery of the knowledge and skills taught in the 585-hour full-authority peace officer basic training course.

“Denial” means the permanent refusal of the Board to grant certified status.

“Dangerous drug or narcotic” means a substance identified in A.R.S. § 13-3401 as being a dangerous drug or narcotic drug.

“Experimentation” means the illegal possession or use of marijuana or a dangerous drug or narcotic as described in R13-4-105(B) and (C).

“Full-authority peace officer” means a peace officer whose authority to enforce the laws of this state is not limited by this Chapter.



“Illegal” means in violation of federal or state statute, rule, or regulation.

“Lapse” means the expiration of certified status.

“Limited-authority peace officer” means a peace officer who is certified to perform the duties of a peace officer only in the presence and under the supervision of a full-authority peace officer.

~~“Limited correctional peace officer” means a peace officer who has authority to perform the duties of a peace officer only while employed by and on duty with the Arizona Department of Corrections, and only for the purposes of guarding, transporting, or pursuing persons under the jurisdiction of the Arizona Department of Corrections.~~

“Open enrollee” means an individual who is admitted to an academy but is not appointed by an agency.

“Outside provider” means an entity other than the Board or an agency that makes continuing training available to peace officers.

“Peace officer” has the meaning in A.R.S. § 1-215.

“Peace officer trainee” means ~~a person~~ an individual recruited and appointed by an agency to attend an academy.

“Physician” means ~~a person~~ an individual licensed to practice allopathic or osteopathic medicine in this or another state.

“Restriction” means the Board’s limitation on duties allowed to be performed by a certified peace officer.

“Revocation” means the permanent withdrawal of certified status.

“Service ammunition” means munitions that perform equivalently in all respects when fired during training or qualification to those carried on duty by a peace officer.

“Service handgun” means the specific handgun or equivalent that a peace officer carries for use on duty.

“Specialty peace officer” means a peace officer whose authority is limited to enforcing specific sections of the Arizona Revised Statutes or Arizona Administrative Code, as specified by the appointing agency’s statutory powers and duties.

“Success criteria” means a numerical statement that establishes the performance needed for ~~a person~~ an individual to demonstrate competency in a knowledge, task, or ability required by this Chapter.

“Suspension” means the temporary withdrawal of certified status.

“Termination” means the end of employment or service with an agency as a peace officer through removal, discharge, resignation, retirement, or otherwise.

R13-4-102. Internal Organization and Control of the Board

A. Scheduled meetings. The Chair, in consultation with the Board, shall set regular meeting dates of the Board ~~and shall post notice of each regular meeting according to A.R.S. § 38-431.02.~~

~~**B.** Meeting agenda. Items to be placed on the agenda for Board consideration shall be submitted no later than 20 days before the scheduled meeting.~~

~~**C.**~~**B.** Special meetings. Except in the case of an emergency meeting declared by the Governor or the Chair, the Chair shall give at least five days’ written notice of a special meeting to each member of the Board ~~and shall post notice of the special meeting according to A.R.S. § 38-431.02.~~

~~**D.**~~**C.** Subcommittees. The Chair may appoint subcommittees to inquire into any matter of Board interest. Each subcommittee shall report its findings, conclusions, and recommendations to the Board, in a manner directed by the Chair.

R13-4-103. Certification of Peace Officers

A. Certified status mandatory. ~~A person~~ An individual who is not certified by the Board or whose certified status is inactive shall not function as a peace officer or be assigned the duties of a peace officer by an agency, except as provided in subsection (B).

B. Sheriffs who are elected are exempt from the requirement of certified status.

C. ~~A person~~ An individual shall satisfy the minimum qualifications and training requirements to receive certified status.

D. Peace officer categories. The categories for which certified status may be granted are:

1. Full-authority peace officer,
2. Specialty peace officer, and
3. Limited-authority peace officer, ~~and~~
4. ~~Limited correctional peace officer.~~

E. Application for certification. ~~A person~~ An individual who seeks to be certified as a peace officer shall make application as follows:

1. Submit to an agency an application that contains all documents required by R13-4-105, R13-4-106(A) and (B), and R13-4-107;
2. Obtain an appointment from ~~an~~ the agency; and
3. Obtain either a certificate of graduation from a Board-prescribed Peace Officer Basic Course or a certificate of successful completion of the waiver of training process prescribed by R13-4-110(D).

F. An open enrollee shall obtain an appointment from an agency within one year after graduating from a Board-prescribed Peace Officer Basic Course.

1. If more than one year but less than three years elapse after graduation from a Board-prescribed Peace Officer Basic Course before an open enrollee obtains an appointment from an agency, the open enrollee shall again take the CFE required under R13-4-110 and satisfactorily perform the practical demonstrations of proficiency in physical condi-



tioning, vehicle operations, pursuit operations, and firearms, including firearms qualifications, as required under R13-4-116(E)(1).

2. If more than three years elapse after graduation from a Board-prescribed Peace Officer Basic Course, an open enrollee shall again graduate from the Board-prescribed Peace Officer Basic Course before obtaining an appointment from an agency.

~~F.G.~~ Establishment ~~Establishing or enforcement of enforcing~~ qualifications, standards, or training requirements. The Board may waive in whole or in part any provision of this Article upon a finding that the best interests of the law enforcement profession are served and the public welfare and safety is not jeopardized by the waiver. The Board may place restrictions or requirements on a peace officer as a condition of certified status.

~~G.H.~~ This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-104. Peace Officer Category Restrictions

A. Limited-authority peace officer.

1. A limited-authority peace officer shall be in the presence and under the supervision of a full-authority peace officer when engaged in patrol or investigative activities performed to detect, prevent, or suppress crime, or to enforce criminal or traffic laws of the state, county, or municipality.
2. A limited-authority peace officer may perform the following duties without supervision of a full-authority peace officer:
 - a. ~~Directing traffic, or assisting with crowd control; or~~
 - b. Assisting with crowd control; or
 - ~~b.c.~~ Maintaining public order in the event of riot, insurrection, or disaster.

~~B. Limited correctional peace officer. A limited correctional peace officer shall not engage in high speed vehicular pursuit operations.~~ Specialty peace officer. A specialty peace officer has only the authority specified in R13-4-101.

C. Peace officer category change. A certified peace officer may be appointed to another peace officer category within the same agency without the background investigation, ~~fingerprnt check,~~ and medical examination required in R13-4-105, R13-4-106, and R13-4-107 when these requirements were previously satisfied for appointment if:

1. No more than 30 days have elapsed since the peace officer's termination, and
2. The change is to a category for which the officer is qualified under R13-4-110(A).

D. Inactive status. Certified status of a peace officer becomes inactive upon termination.

~~E. Lapse of certified status. Certified status of a peace officer lapses after~~ After three consecutive years on inactive status, ~~the certified status of a peace officer lapses.~~

F. Reinstatement from inactive status. A peace officer whose certified status is inactive and has not lapsed may have certification reinstated if the requirements of R13-4-105 are met for the new appointment, and if appointed:

1. In the same peace officer category, or;
2. As a specialty peace officer from inactive status as a full-authority peace officer.

~~G. Active status as a specialty, or limited-authority, or limited correctional~~ peace officer does not prevent lapse of certified status as a full-authority peace officer.

R13-4-105. Minimum Qualifications for Appointment

A. Except as provided in subsection (C) or (D), ~~a person~~ an individual shall meet the following minimum qualifications before being appointed to or attending an academy:

1. Be a United States citizen;
2. Be at least 21 years of age; ~~except that a person.~~ An individual may attend an academy if the ~~person~~ individual will be 21 years of age before graduating;
3. ~~Be~~ Have a diploma from a high school graduate recognized by the department of education of the jurisdiction in which the diploma is issued, or have successfully completed a General Education Development (G.E.D.) examination, or have a degree from an institution of higher education accredited by an agency recognized by the U.S. Department of Education;
4. Undergo a complete background investigation that meets the standards of R13-4-106. ~~A person~~ An individual may begin an academy before the results of the ~~fingerprnt check~~ background investigation are returned. However, the academy shall not graduate the ~~person~~ individual and the Board shall not reimburse the academy for the ~~person's~~ individual's training expenses until a qualifying ~~fingerprnt check~~ background investigation report ~~return~~ is obtained;
5. Undergo a medical examination that meets the standards of R13-4-107 within one year before appointment. An agency may make a conditional offer of appointment before the medical examination. If the medical examination is conducted more than 180 days before appointment, the ~~person~~ individual shall submit a written statement indicating that the ~~person's~~ individual's medical condition has not changed since the examination;
6. Not have been convicted of a felony or any offense that would be a felony if committed in Arizona;
7. Not have been dishonorably discharged from the United States Armed Forces;
8. Not have been previously denied certified status, have certified status revoked, or have current certified status suspended, or have voluntarily surrendered certified status in lieu of possible disciplinary action in this or any other state if the reason for denial, revocation, suspension, or possible disciplinary action was or would be a violation of R13-4-109(A) if committed in Arizona;



- 9. Not have illegally ~~possessed, sold,~~ produced, cultivated, or transported marijuana for sale or sold marijuana;
 - 10. Not have illegally possessed or used marijuana for any purpose within the past three years;
 - 11. Not have ever illegally possessed or used marijuana other than for experimentation;
 - 12. Not have ever illegally possessed or used marijuana while employed or appointed as a peace officer;
 - 13. Not have illegally sold, produced, cultivated, or transported for sale a dangerous drug or narcotic;
 - 14. Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;
 - 15. Not have ever illegally used a dangerous drug or narcotic other than for experimentation;
 - 16. Not have ever illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;
 - 17. Not have a pattern of abuse of prescription medication;
 - 18. Undergo a polygraph examination that meets the requirements of R13-4-106, unless prohibited by law;
 - 19. Not have been convicted of or adjudged to have violated traffic regulations governing the movement of vehicles with a frequency within the past three years that indicates a disrespect for traffic laws or a disregard for the safety of ~~other persons~~ others on the highway;
 - 20. Read the code of ethics in subsection ~~(F)~~ (E) and affirm by signature the ~~person's individual understanding of~~ understands and ~~agreement agrees~~ to abide by the code.
- B.** The illegal possession or use of marijuana, or a dangerous drug or narcotic is presumed to be not for experimentation if:
- 1. The possession or use of marijuana exceeds a total of 20 times or exceeds five times since the age of 21 years; or
 - 2. The use of any dangerous drug or narcotic, other than marijuana, in any combination exceeds a total of five times, or exceeds one time since the age of 21 years.
- C.** An agency head who wishes to appoint ~~a person~~ an individual whose illegal possession or use of marijuana or a dangerous drug or narcotic is presumed to be not for experimentation under this Section may petition the Board for a determination that, given the unique circumstances of the ~~person's~~ individual's possession or use, the use was for experimentation. The petition shall:
- 1. Specify the type of drugs illegally possessed or used, the number of uses, the age at the time of each possession or use, the method by which the information regarding illegal possession or use of drugs came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and
 - 2. State the factors the agency head wishes the Board to consider in making its determination. These factors may include:
 - a. The duration of possession or use,
 - b. The motivation for possession or use,
 - c. The time elapsed since the last possession or use,
 - d. How the drug was obtained,
 - e. How the drug was ingested,
 - f. Why the ~~person~~ individual stopped possessing or using the drug, and
 - g. Any other factor the agency head believes is relevant to the Board's determination.
- D.** An agency head who wishes to appoint ~~a person~~ an individual whose conduct is grounds to deny certification under R13-4-109 may petition the Board for a determination that the otherwise disqualifying conduct constitutes juvenile indiscretion. The petition shall:
- 1. Specify the nature of the conduct, the number of times the conduct occurred, the method by which information regarding the conduct came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and
 - 2. Include sufficient information for the Board to determine that all of the following are true:
 - a. The conduct occurred when the ~~person~~ individual was less than age 18;
 - b. The conduct occurred more than 10 years before application for appointment;
 - c. The ~~person~~ individual has consistently exhibited responsible, law-abiding behavior between the time of the conduct and application for appointment;
 - d. There is reason to believe that the ~~person's~~ individual's immaturity at the time of the conduct contributed substantially to the conduct;
 - e. There is evidence that the ~~person's~~ individual's maturity at the time of application makes reoccurrence of the conduct unlikely; and
 - f. The conduct was not so egregious that public trust in the law enforcement profession would be jeopardized if the ~~person~~ individual is certified.
 - 3. If the Board finds that the information submitted is sufficient for the Board to determine that the factors listed in subsection (D)(2) are true, the Board shall determine that the conduct constituted juvenile indiscretion and grant appointment.
- E.** ~~For a limited correctional peace officer, previous completion of a background investigation conducted under R13-4-203 and a physical examination conducted under R13-4-202(A)(6) satisfies the requirements of this Section when there has been no interruption of employment by the agency, except that:~~
- ~~1. The limited correctional peace officer shall submit to a polygraph examination as required by subsection (A)(18); and~~



2. The agency shall query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH) and review the returns to determine that the person meets the requirements of this Section.

~~F.E.~~ Code of Ethics. Because the people of the state of Arizona confer upon all peace officers the authority and responsibility to safeguard lives and property within constitutional parameters, a peace officer shall commit to the following Code of Ethics and shall affirm the peace officer's commitment by signing the Code.

"I will exercise self-restraint and be constantly mindful of the welfare of others. I will be exemplary in obeying the laws of the land and loyal to the state of Arizona and my agency and its objectives and regulations. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secure unless revelation is necessary in the performance of my duty.

I will never take selfish advantage of my position and will not allow my personal feelings, animosities, or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise. I am a servant of the people and I recognize my position as a symbol of public faith. I accept it as a public trust to be held so long as I am true to the law and serve the people of Arizona."

~~G.F.~~ This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-106. Background Investigation Requirements

- A. Personal history statement. ~~A person~~ An individual who seeks to be appointed shall complete and submit to the appointing agency a personal history statement on a form prescribed by the Board before the start of a background investigation. ~~The Board shall use the history statement shall contain~~ answers to questions contained in the personal history statement that aid in determining to determine whether the ~~person~~ individual is eligible for certified status as a peace officer. ~~The Board shall ensure that the questions shall~~ concern whether the ~~person~~ individual meets the minimum requirements for appointment, has engaged in conduct or a pattern of conduct that would jeopardize the public trust in the law enforcement profession, and is of good moral character.
- B. Investigative requirements for the applicant. To assist with the background investigation, ~~a person~~ an individual who seeks to be appointed shall provide the following:
1. Proof of United States citizenship. A copy of a birth certificate, United States passport, or United States naturalization papers is acceptable proof.
 2. Proof of education. A copy of a diploma, certificate, or transcript is acceptable proof.
 3. Record of any military discharge. A copy of the Military Service Record (DD Form 214, Member 4) is acceptable proof.
 4. Personal references. The names and addresses of at least three people who can provide information as personal references.
 5. Previous employers or schools attended. The names and addresses of all employers and schools attended within the previous five years.
 6. Residence history. ~~A listing of the~~ The complete address for every location ~~that at which~~ the ~~person~~ individual has lived in the last five years.
- C. Investigative requirements for the agency. A complete background investigation includes the following inquiries and a review of the returns to determine that the ~~person~~ individual seeking appointment meets the requirements of R13-4-105, and that the ~~person's~~ individual's personal history statement is accurate and truthful. For each ~~person~~ individual seeking to be appointed, the appointing agency shall:
1. Query all the law enforcement agency records in jurisdictions listed in subsections (B)(5) and (B)(6);
 2. Query the motor vehicle division driving record from any state listed in subsections (B)(5) and (B)(6);
 3. Complete and submit a Fingerprint Card Inventory Sheet to the Federal Bureau of Investigation and Arizona Department of Public Safety for query;
 4. Query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH), or the equivalent for each state listed in subsections (B)(5) and (B)(6);
 5. Contact all personal references and employers listed in subsections (B)(4) and (B)(5) and document the answers to inquiries concerning whether the ~~person~~ individual meets the standards of this Section;
 6. Administer a polygraph examination, unless prohibited by law. The results shall include a detailed report of the pre-test interview and any post-test interview and shall cover responses to all questions that concern minimum standards for appointment as required by R13-4-105, truthfulness on the personal history statement, and the commission of any crimes; and
 7. If the results of the background investigation show that the ~~person~~ individual meets minimum qualifications for appointment, has not engaged in conduct or a pattern of conduct that would jeopardize public trust in the law enforcement profession, and is of good moral character, complete a report that attests to those findings.

R13-4-107. Medical Requirements

- A. Medical Categories. ~~The medical categories for certification are:~~ physical, and mental eligibility for certification.
1. ~~Category I. No medical, physical, or mental circumstance exists that limits the person's ability to effectively perform all the duties of a peace officer or creates a reasonable probability of substantial harm to the person or others;~~



An agency may appoint an individual if the individual meets the minimum qualifications in R13-4-105 and is able to perform all the essential functions of the job of peace officer effectively, with or without reasonable accommodation, without creating a reasonable probability of substantial harm to the individual or others.

- 2. ~~Category II. A medical, physical, or mental circumstance exists that absent a reasonable accommodation by the appointing agency would limit the person's ability to effectively perform all the duties of a peace officer or create a reasonable probability of substantial harm to the person or others; and If an agency wishes to appoint an individual who is unable to perform all the essential functions of the job of peace officer effectively, the agency may seek a restricted certification for the individual. The Board shall determine whether placing restrictions or requirements on the individual as a condition of certification will enable the individual to perform the essential functions authorized within the restriction without creating a reasonable probability of harm to the individual or others.~~
- 3. ~~Category III. A medical, physical, or mental circumstance exists that despite reasonable accommodation by the appointing agency limits the person's ability to effectively perform all the duties of a peace officer or creates a reasonable probability of substantial harm to the person or others.~~

B. Eligibility for certified status Medical examination process.

- 1. ~~Category I. A person in Category I may be appointed if the person meets all other qualifications. Medical history. An individual applying to be appointed shall provide to the examining, board-trained, physician a written statement of the individual's medical history that includes past and present diseases, illnesses, symptoms, conditions, injuries, functionality, surgeries, procedures, immunizations, medications, and psychological information.~~
- 2. ~~Category II. If an agency chooses to make the required accommodation and appoint a person in Category II, and the examination was made by a Board-trained physician, the appointment may be made without further action by the Board. However, if the examining physician has not been trained by the Board, a medical review under subsection (H) by a Board-trained physician is required to determine eligibility for certified status. If the Board-trained physician agrees with the finding of the other physician, the appointment may be made without further action by the Board. Medical examination.~~
 - a. The examining, board-trained, physician shall not delegate any part of the medical examination process to another person;
 - b. The examining, board-trained, physician shall review the medical history statement and take an additional verbal history from the applicant;
 - c. The examining, board-trained, physician shall conduct a physical examination consistent with the standard of care for occupational medical examinations;
 - d. The examining, board-trained, physician shall order tests, obtain medical records, and require specialist or functional examinations and evaluations that the examining physician deems necessary to determine the applicant's ability to perform all the essential functions of the job of peace officer;
 - e. The examining, board-trained, physician shall make a report to the agency and provide a:
 - i. Summary of the examination;
 - ii. Description of any significant medical findings;
 - iii. Description of any limitation to the ability to perform the essential functions of the job of a peace officer;
and
 - iv. Medical opinion about the applicant's ability to perform the essential functions of the job of peace officer, with or without reasonable accommodations; and
 - f. The examining, board-trained, physician shall consult with the agency, upon request, about the report and the efficacy of any accommodations the agency deems reasonable.
- 3. ~~Category III. If an agency wishes to appoint a person in Category III, the agency shall submit a letter to the Board asking for a determination of eligibility for certification. The letter shall include a report from a Board-trained physician identifying the medical limitations and the proposed accommodations. The Board shall determine the person's eligibility for certified status, based upon whether the appointing agency is able to make reasonable accommodations, and whether by placing restrictions or requirements on the person as a condition of certified status under R13-4-103(F), the person is able to perform the duties authorized within the restriction without endangering the person or others.~~

C. Medical, physical, or mental circumstances in Category II and Category III include:

- 1. ~~Angina pectoris;~~
- 2. ~~Asthma;~~
- 3. ~~Cancer—metastatic or leukemia;~~
- 4. ~~Cardiac arrhythmias or murmurs;~~
- 5. ~~Cerebral vascular accident;~~
- 6. ~~Chest pains of unknown origin;~~
- 7. ~~Contagious hepatitis;~~
- 8. ~~Contagious tuberculosis;~~
- 9. ~~Chronic respiratory disease;~~
- 10. ~~Diabetes, insulin dependent or ketosis prone;~~



11. Fixation of major joint;
 12. Hearing not specified in subsection (D);
 13. Herniated lumbar disc;
 14. Hypertension, uncontrolled;
 15. Inguinal hernia;
 16. Liver or renal dysfunction;
 17. Migraine headache;
 18. Myocardial infarction, history of;
 19. Paralysis;
 20. Pilonidal cyst;
 21. Prosthetic device, e.g., limbs, hearing aid, colostomy;
 22. Recurrent dislocation of a major joint;
 23. Schizophrenia or manic depressive psychosis;
 24. Scoliosis greater than 15 degrees;
 25. Seizure disorders;
 26. Current substance abuse;
 27. Valvular heart disease, uncorrected;
 28. Vision not specified in subsection (D) or monocular vision;
 29. Wasting disease, chronic, such as multiple sclerosis, myasthenia gravis, or amyotrophic lateral sclerosis; and
 30. Any other medical, physical, or mental circumstance that the examining physician determines may interfere with the person's ability to function as a peace officer effectively or may create a reasonable probability of substantial harm to the person or others.
- D.** ~~Vision and hearing. Vision and hearing meeting the following requirements are classified in Category I:~~
1. ~~Visual acuity of:~~
 - a. ~~20/20 or better uncorrected;~~
 - b. ~~20/20 or better, corrected by spectacles or hard contact lenses, if uncorrected acuity is 20/80 or better. The applicant shall demonstrate satisfactory adaptation to the contact lenses; or~~
 - c. ~~20/20 or better, corrected by soft contact lenses, if the uncorrected acuity is 20/200 or better. The applicant shall demonstrate satisfactory adaptation to the contact lenses;~~
 2. ~~Vision capable of distinguishing basic color groups against a favorable background.~~
 3. ~~Peripheral vision:~~
 - a. ~~That does not reveal scotoma or quadrantonopia; or~~
 - b. ~~In which vision perimeter testing is intact at 170 degrees; and~~
 4. ~~Uncorrected hearing with no loss greater than 25 db in the 500, 1000, 2000, or 3000 hertz frequencies as measured by an audiometer.~~
- E.** ~~Medical history. A person who seeks to be appointed shall supply to the examining physician a statement of the person's medical history that includes past and present diseases, injuries, operations, immunization status, and medications taken.~~
- F.** ~~Medical examination. The examining physician shall review the person's medical history and examine the person.~~
- G.** ~~Examination report. The examining physician shall record the findings of the medical examination on a form prescribed by the Board. The physician shall indicate whether a medical, physical, or mental circumstance in Category II or III exists, describe how the circumstance affects the person's ability to perform the duties of a peace officer, and specify the type and duration of any treatment required. In all Category II or III cases, the physician shall advise the appointing agency in writing of any limitation on the person's ability to function as a peace officer.~~
- H.** ~~Category II and Category III reviews. The diagnosis of a person with a circumstance classified in Category II or Category III by an examining physician who is not Board trained shall be reviewed by a Board-trained physician if the agency intends to appoint the person. The Board-trained physician may review prior medical examination reports concerning the person and contact examining physicians to review their findings. If required by the Board-trained physician, an independent medical examination shall be conducted, if the agency wishes to appoint the person, and the person shall be referred to a specialist in the appropriate medical field.~~
- I.** ~~Additional findings. The appointing agency may submit to the Board results of additional examinations or tests, or obtain additional opinions from other licensed physicians.~~
- J.C.** This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-108. Agency Records and Reports

- A.** Agency reports. On forms prescribed by the Board, an agency shall submit:
1. A report by the agency head attesting that the requirements of R13-4-105 are met for each ~~person~~ individual appointed. The report shall be submitted to the Board before ~~a person~~ an individual attends an academy or performs the duties of a peace officer.
 2. A report of the termination of a peace officer. The report shall be submitted to the Board within 15 days of the termination and include:
 - a. The nature of the termination and effective date;
 - b. A detailed description of any termination for cause; and



- c. A detailed description of, and supporting documentation for, any cause existing for suspension or revocation of certified status.
- B. Agency records. An agency shall make its records available ~~upon the~~ on request ~~of by~~ the Board or staff. The agency shall maintain the following for each ~~person~~ individual for whom certification is sought:
 1. An application file that contains all of the information required in R13-4-103(E) and R13-4-106(C) for each ~~person~~ individual appointed for certification as a peace officer;
 2. A copy of reports submitted under subsection (A);
 3. A signed copy of the affirmation to the Code of Ethics required under R13-4-105;
 4. A written report of the results of a completed or partially completed background investigation and all written documentation obtained or recorded under R13-4-106;
 5. A completed medical report required under ~~R13-4-105~~ R13-4-107; and
 6. A record of all continuing training, proficiency training, and firearms qualifications conducted under R13-4-111.
- C. Record retention. An agency shall maintain the records required by this Section as follows:
 1. For applicants investigated under R13-4-106 who are not appointed: three years;
 2. For applicants who are appointed: five years from the date of termination, except records retained under subsection (B)(6) shall be retained for three years following completion of training; and
 3. Reports of a polygraph examination given under R13-4-106(C)(6) shall be maintained in accordance with state law.

R13-4-109. Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified Status

- A. Causes for denial, suspension, or revocation. The Board may deny certified status or suspend or revoke the certified status of a peace officer for:
 1. ~~Failure~~ Failing to satisfy a minimum qualification for appointment listed in R13-4-105;
 2. Willfully providing false information in connection with obtaining or reactivating certified status;
 3. ~~A~~ Having a medical, physical, or mental disability that substantially limits the ~~person's~~ individual's ability to perform the duties of a peace officer effectively, or that may create a reasonable probability of substantial harm to the ~~person~~ individual or others, for which a reasonable accommodation cannot be made;
 4. ~~Violation of~~ Violating a restriction or requirement for certified status imposed under R13-4-109.01, ~~or~~ R13-4-103(F) (G), or R13-4-104;
 5. ~~The illegal use of~~ Illegally possessing or using marijuana, a dangerous drug, or a narcotic;
 6. ~~Unauthorized use of~~ Using or being under the influence of spirituous liquor on duty without authorization;
 7. ~~The commission of~~ Committing a felony, an offense that would be a felony if committed in this state, or an offense involving dishonesty, unlawful sexual conduct, or physical violence;
 8. ~~Malfesancee~~ Committing malfesancee, misfeasance, or nonfeasance in office;
 9. Performing the duties or exercising the authority of a peace officer without having active certified status;
 10. Making a false or misleading statement, written or oral, to the Board or its representative;
 11. Failing to furnish information in a timely manner to the Board or its representative on request; or
 - 9-12. ~~Any~~ Engaging in any conduct or pattern of conduct that tends to disrupt, diminish, or otherwise jeopardize public trust in the law enforcement profession.
- B. Cause for cancellation. The Board shall cancel the certified status of a peace officer if the Board determines that the ~~person~~ individual was not qualified when certified status was granted, and revocation is not warranted under subsection (A).
- C. Cause for mandatory revocation. Upon the receipt of a certified copy of a judgment of a felony conviction of a peace officer, the Board shall revoke certified status of the peace officer.
- D. Action by the Board. Upon receipt of information that cause exists to deny certification, or to cancel, suspend, or revoke the certified status of a peace officer, the Board shall determine whether ~~action is to be initiated~~ initiate action regarding the retention of certified status. The Board may conduct additional inquiries or investigations to obtain sufficient information to make a fair determination.
- E. Notice of action. The Board shall notify the affected ~~person~~ individual of Board action to initiate proceedings regarding certified status for a cause listed under subsection (A) or (B). The notice shall be served as required by A.R.S. § 41-1092.04; and specify the cause for the action. Within 30 days ~~of delivery~~ after receiving the notice, the ~~person~~ individual named in the notice shall advise the Board or its staff in writing whether a hearing is requested. Failure to file a written request for hearing at the Board offices within 30 days ~~of service of~~ after receiving the notice constitutes a waiver of the right to a hearing.
- F. Effect of agency action. Action by an agency or a decision resulting from an appeal of that action does not preclude action by the Board to deny, cancel, suspend, or revoke the certified status of a peace officer.

R13-4-109.01. Restriction of Certified Peace Officer Status: Training or Qualification Deficiencies

- A. Restricted status. The Board shall restrict certified status if a peace officer fails to satisfy the requirements of R13-4-111.
 1. The Board shall consider reports of training or qualification deficiencies at a regularly scheduled public meeting and provide a peace officer alleged to have a training or qualification deficiency the opportunity to be heard without referral to an independent hearing officer. The issue at At the public meeting, the Board shall be restricted to determine only whether the peace officer has successfully completed the required training or qualification and can produce documentation to verify it.



2. ~~A~~ The Board shall leave a restriction ~~shall remain~~ in effect until the training or qualification requirement is met and the peace officer files written verification of the training or qualification with the Board.
 3. The Board shall provide notice of ~~action and hearing~~, restriction or reinstatement following a restriction under this Section by regular mail to the peace officer at the employing agency address. The Board shall provide a copy of the restriction or reinstatement notice by regular mail to the agency head.
- B.** Firearms qualification. If a peace officer fails to satisfy R13-4-111(C), the peace officer shall not carry or use a firearm on duty.
- C.** Continuing and proficiency training. If a peace officer fails to satisfy R13-4-111(A) or (B), the peace officer shall not engage in enforcement duties, carry a firearm, wear or display a badge, wear a uniform, make arrests, perform patrol functions, or operate a marked police vehicle.

R13-4-110. Basic Training Requirements

- A.** Required training for certified status. The Board shall not certify and ~~a person~~ an individual shall not perform the duties of a peace officer until the ~~person~~ individual successfully completes basic training as follows:
1. To be certified as a full-authority peace officer, ~~a person~~ an individual shall complete the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy and pass the CFE.
 - a. Board staff shall administer the CFE.
 - b. The Board shall ensure that the CFE is administered during the final two weeks of the full-authority peace officer basic training course.
 - c. ~~A person~~ An individual passes the CFE by achieving a score of at least 70 percent on each of the three blocks of the CFE when each block is scored separately.
 - d. ~~A person~~ An individual who fails one or more blocks of the CFE may retake the failed block one time before the ~~person~~ individual is scheduled to graduate from the academy.
 - e. ~~A person~~ An individual who fails a retake of a block of the CFE, as described in subsection (A)(1)(d), may retake the failed block once more within 60 days from the original testing date if the ~~person~~ individual remains appointed by the original appointing agency or enrolled in the academy.
 - f. ~~A person~~ An individual who fails a second retake of a block of the CFE, as described in subsection (A)(1)(e), may pursue certification only by repeating the 585-hour full-authority peace officer basic training course.
 - g. An agency head is not required to continue to appoint ~~a person~~ an individual during the 60 days permitted for a second retake of a failed block of the CFE, as described in subsection (A)(1)(e).
 2. To be certified as a specialty peace officer, ~~a person~~ an individual shall complete a Board-prescribed specialty peace officer basic training course or the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy and pass blocks of the CFE prescribed under subsection (A)(1) that are relevant to the duties of a specialty peace officer.
 3. To be certified as a limited-authority peace officer, ~~a person~~ an individual shall complete a Board-prescribed limited-authority peace officer basic training course or the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy and pass blocks of the CFE prescribed under subsection (A)(1) that are relevant to the duties of a limited-authority peace officer.
 4. ~~To be certified as a limited correctional peace officer, a person shall complete the correctional officer basic training course specified in R13-4-205 and the 48-hour limited correctional peace officer supplement course specified in R13-4-116, at the Arizona correctional officer training academy.~~
- B.** Exceptions. The training requirement in subsection (A) is waived when an agency uses ~~a person~~ an individual during a:
1. Riot, insurrection, disaster, or other event that exhausts the peace officer resources of the agency and the ~~person~~ individual is attending an academy; or
 2. Field training program that is a component of a basic training program at an academy, and the ~~person~~ individual is under the direct supervision and control of a certified peace officer.
- C.** Firearms training required.
1. ~~Unless otherwise specified in this Section, a peace officer shall complete the firearms qualification courses required in R13-4-116(E) before the peace officer carries a firearm in the course of duty.~~
 2. ~~Before carrying a firearm in the course of duty, a limited correctional peace officer shall:~~
 - a. ~~Meet the requirements of R13-4-205, and~~
 - b. ~~Complete a night time firearms qualification shoot based on the course of fire, as described in R13-4-205.~~
- D.** Waiver of required training. ~~A person~~ An agency, on behalf of an individual, may apply to the Board for a waiver of required training if the ~~person's~~ individual's certified status is lapsed or the ~~person~~ individual has functioned in the capacity of a peace officer in another state or for a federal law enforcement agency. The Board shall grant a complete or partial waiver of required training if the Board determines that the best interests of the law enforcement profession are served, the public welfare and safety are not jeopardized, and:
1. The appointing agency submits to the Board written verification of the ~~person's~~ individual's previous experience and training on a form prescribed by the Board;
 2. The ~~person~~ individual meets the minimum qualifications listed in R13-4-105;
 3. The ~~person~~ individual complies with the requirements of R13-4-103(E)(1);
 4. The appointing agency complies with the requirements of R13-4-106(C);



- 5. The ~~person~~ individual successfully completes an examination measuring the ~~person's~~ individual's comprehension of the full-authority peace officer basic training course as follows:
 - a. If ~~during the last three years~~, the ~~person~~ individual has at least two years of active-status experience as a peace officer in another state or for a federal law enforcement agency during the last three years, has been on inactive status for no more than one year, and ~~the person~~ the individual submits to the Board basic training and in-service training records that the Board determines demonstrate substantial comparability to Arizona's full-authority peace officer basic training course, the ~~person~~ individual shall pass ~~the portions~~ blocks II and IV of the CFE ~~covering legal and liability issues specific to Arizona~~;
 - b. If the ~~person's~~ individual's certification is lapsed, the ~~person~~ individual shall pass all blocks of the CFE; ~~or~~
 - c. If the ~~person's~~ individual's out-of-state or federal law enforcement experience does not meet the criterion in subsection (D)(5)(a), but the Board determines that the ~~person's~~ individual's basic training and in-service training records demonstrate substantial comparability to Arizona's full-authority peace officer basic training course, the ~~person~~ individual shall pass all blocks of the CFE; and
 - d. The provisions in subsections (A)(1)(c) through (f) apply to this subsection; and
 - 6. In addition to the examination required under subsection (D)(5), the ~~person~~ individual satisfactorily performs the practical demonstrations of proficiency in physical conditioning, vehicle operations, pursuit operations, and firearms, including firearms qualifications, as required under R13-4-116(E)(1).
- E. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-111. Certification Retention Requirements

A. Continuing training required.

- 1. The following continuing training standards apply for a peace officer to retain certification:
 - a. A full-authority peace officer shall complete eight hours of continuing training each year beginning January 1, following the date the officer is certified.
 - b. A specialty; or limited-authority; ~~or limited-correctional~~ peace officer shall complete eight hours of continuing training every three years beginning January 1, following the date the officer is certified.
- 2. Continuing training course standards for peace officers. The provider of a continuing training course for peace officers shall ensure that:
 - a. The course curriculum consists of advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1);
 - b. The instructor meets the requirements of R13-4-114(A)(2)(a) or (b);
 - c. An attendance verification certificate, which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes;
 - d. If the training provider is an agency, an attendance roster and lesson plan or other information sufficient to determine compliance with this Section is made available upon request by the Board for Board audit;
 - e. If the training provider is an outside provider that does not seek confirmation that the course meets the requirements under subsection (A)(3)(c), a copy of the lesson plan or other information sufficient to determine compliance with this Section is given to each attendee; and
 - f. If the training provider is an outside provider that seeks and receives confirmation under subsection (A)(3)(c), a copy of the Board's written confirmation is distributed to each attendee.
- 3. Training providers. Courses of continuing training may be conducted by the Board, an agency, or an outside provider.
 - a. All Board-provided continuing training courses meet the requirements of this Section.
 - b. Agency-provided continuing training courses meet the requirements of this Section if all the requirements of subsection (A)(2) are met.
 - c. Outside-provider continuing training courses meet the requirements of this Section if all the requirements of subsection (A)(2) are met. The Board shall inform an outside provider in writing whether a continuing training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:
 - i. A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1);
 - ii. The name of the ~~person~~ individual, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(a) or (b) are met;
 - iii. A course schedule listing the number of instructional hours; and
 - iv. An attestation that the outside provider shall, upon request by the Board, make the lesson plan or other information sufficient to determine compliance with this Section available for Board audit, and shall ensure that the requirement of subsection (A)(2)(b) is met.
 - d. The Board's confirmation that a continuing training course conducted by an outside provider meets the requirements of this Section is not an evaluation of the content of the course. Rather, confirmation indicates only that



the topic of the course is consistent with R13-4-116(E)(1). Confirmation is effective as long as the information submitted to the Board under subsection (A)(3)(c) is unchanged.

- e. The Board shall withdraw confirmation that a continuing training course conducted by an outside provider meets the requirements of this Section if the Board receives information that the course content conflicts with the basic peace officer course content and the Board finds that the conflict creates an issue of public safety, liability, or ethics.

4. A limited correctional peace officer satisfies the requirements of this Section by obtaining training that is:

- a. Approved under R13-4-206;
- b. Provided by an instructor who meets the requirements of R13-4-205(C)(5); and
- c. ~~On a topic area listed in R13-4-116(E)(4).~~

~~5-4.~~ Required records. A peace officer shall provide to the appointing agency a copy of all documents provided to the peace officer under subsection (A)(2)(c), (A)(2)(e), or (A)(2)(f). The appointing agency shall maintain the documents and make them available, upon request by the Board, for Board audit.

B. Proficiency training required.

1. To retain certification, a peace officer who is not in a supervisory position within the peace officer's appointing agency shall complete eight hours of proficiency training every three years beginning January 1, following the date the peace officer is certified.
2. Proficiency training course standards. The provider of a proficiency training course for peace officers shall ensure that:
 - a. The training requires physical demonstration of one or more performance objectives included in the 585-hour full-authority peace officer basic training course under R13-4-116 and demonstration of the use of judgment in the application of the physical act;
 - b. The curriculum consists of advanced or remedial instruction on one or more of the following topic areas:
 - i. ~~Defensive Arrest and control tactics and impact weapons,~~
 - ii. Tactical firearms (not the annual firearms qualification required under this Section),
 - iii. Emergency vehicle operations,
 - iv. Pursuit operations,
 - v. First aid and emergency care,
 - vi. Physical conditioning, and
 - vii. High-risk stops;
 - c. The instructor meets the requirements of R13-4-114(A)(2)(c);
 - d. An attendance verification certificate, which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes; and
 - e. If the training provider is an agency, an attendance roster and lesson plan or other information sufficient to determine compliance with this Section is made available upon request by the Board for Board audit;
 - f. ~~If the training provider is an outside provider that does not seek confirmation under subsection (B)(3)(e) that the course meets the requirements of this Section, a copy of the lesson plan or other information sufficient to determine compliance with this Section is given to each attendee; and~~
 - g. ~~If the training provider is an outside provider that seeks and receives confirmation under subsection (B)(3)(e), a copy of the Board's written confirmation is given to each attendee.~~
3. Training providers. Proficiency Courses that qualify for proficiency training courses credit may be conducted by the Board; or an agency; or an outside provider.
 - a. All Board-provided proficiency training courses meet the requirements of this Section.
 - b. Agency-provided proficiency training courses meet the requirements of this Section if all the requirements of subsection (B)(2) are met.
 - c. ~~Outside provider proficiency training courses meet the requirements of this Section if all the requirements of subsection (B)(2) are met. The Board shall inform an outside provider in writing whether a proficiency training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:~~
 - i. ~~A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in subsection (B)(2);~~
 - ii. ~~The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(e) are met;~~
 - iii. ~~A course schedule listing the number of instructional hours; and~~
 - iv. ~~An attestation that the outside provider shall, upon request by the Board, make the lesson plan and other information sufficient to determine compliance with this Section available for Board audit, and shall ensure that the requirement of subsection (B)(2)(d) is met.~~



- d. ~~The Board's confirmation that a proficiency training course conducted by an outside provider meets the requirements of this Section is effective as long as the information submitted to the Board under subsection (B)(3)(e) is unchanged.~~
- 4. ~~A limited correctional peace officer satisfies the requirements of this Section by obtaining training that is:~~
 - a. ~~Approved under R13-4-206,~~
 - b. ~~Provided by an instructor who meets the requirements of R13-4-205(C), and~~
 - e. ~~On a topic area listed in subsection (B)(2)(b) except (B)(2)(b)(iv).~~
- 5.4. ~~Required records. A peace officer shall provide to the appointing agency a copy of all documents~~ the document ~~provided to the peace officer under subsection (B)(2)(d), (B)(2)(f) or (B)(2)(g).~~ and make the documents document and make them available, upon request by the Board, for Board audit.
- C. Firearms qualification required. A peace officer authorized to carry a firearm shall qualify to continue to be authorized to carry a firearm each year beginning January 1 following certification by completing a Board-prescribed firearms qualification course, using a service handgun and service ammunition, and a Board-prescribed target identification and judgment course.
 - 1. Firearms qualification course standards.
 - a. A firearms qualification course is a course:
 - i. Prescribed under R13-4-116(E)(1), or
 - ii. Determined by the Board to measure firearms competency at least as accurately as courses prescribed under R13-4-116(E)(1).
 - b. The provider of a firearms qualification course shall ensure that the course includes:
 - i. A timed accuracy component;
 - ii. A type and style of target that is equal to, or more difficult than, targets used in a course prescribed under R13-4-116(E)(1); and
 - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
 - 2. Firearms target identification and judgment course standards.
 - a. A firearms target identification and judgment course is a course:
 - i. Prescribed under R13-4-116(E)(1), or
 - ii. Determined by the Board to measure target identification and judgment competency at least as accurately as courses prescribed under R13-4-116(E)(1).
 - b. The provider of a firearms target identification and judgment course shall ensure that the course includes:
 - i. A timed accuracy component;
 - ii. A type and style of target discrimination test that is equal to, or more difficult than, those used in a course prescribed under R13-4-116(E)(1); and
 - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
 - 3. The provider of a firearms qualification or firearms target identification and judgment course shall ensure that the course is taught by a firearms instructor who meets the requirements of R13-4-114(A)(2)(c).
- D. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-112. ~~Time frames~~ Time Frames

- A. For the purposes of A.R.S. § 41-1073, the Board establishes the following ~~time frames~~ time frames for peace officer certification:
 - 1. Administrative completeness review ~~time frame~~ time frame: 90 days.
 - 2. Substantive review ~~time frame~~ time frame: 180 days.
 - 3. Overall ~~time frame~~ time frame: 270 days.
- B. The administrative completeness review ~~time frame~~ time frame begins on the date the Board receives the report required by R13-4-108(A)(1) from an appointing agency.
 - 1. Within 90 days, the Board shall review the report and issue to the appointing agency a ~~statement~~ notice of administrative completeness or a notice of administrative ~~deficiencies~~ deficiency that lists each document or item of information establishing compliance with R13-4-105 that is missing.
 - 2. If the Board issues a notice of administrative deficiency, the appointing agency shall make the missing documents and information available to the Board within 90 days of the date of the notice. The administrative completeness review ~~time frame~~ time frame is suspended from the date of the deficiency notice until the date the missing documents and information are made available to the Board.
 - 3. If the appointing agency fails to make available all missing documents and information within the 90 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R13-4-103.
 - 4. When the file is administratively complete, the Board shall provide written notice of administrative completeness to the appointing agency.
- C. The substantive review ~~time frame~~ time frame begins on the date the Board issues the notice of administrative completeness.



1. During the substantive review ~~time frame~~ time frame, the Board may make one comprehensive written request for additional information.
2. The appointing agency shall make available to the Board the additional information identified in the request for additional information within 60 days. The ~~time frame~~ time frame for the Board to finish the substantive review of the application is suspended from the date of the request for additional information until the additional information is made available to the Board.
3. If the appointing agency fails to make available the additional information requested within the 60 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R13-4-103.
4. When the substantive review is complete, the Board shall grant or deny certification.

R13-4-114. Minimum Course Requirements

- A. Instructors. An academy administrator or agency head shall ensure that only an instructor who meets the requirements of this Section facilitates a Board-prescribed course.
1. Instructor classifications.
 - a. General instructor. ~~A person~~ An individual qualified to teach topics not requiring a proficiency instructor under subsection (A)(1)(c).
 - b. Specialist instructor. ~~A person~~ An individual, other than an Arizona peace officer, qualified to teach a topic in which the instructor has special expertise but who does not qualify for general instructor status.
 - c. Proficiency instructor. ~~A person~~ An individual qualified to teach a topic area listed in R13-4-111(B)(2)(b).
 2. Instructor qualification standards.
 - a. A general instructor shall meet the requirements of subsections (A)(2)(a)(i) and (A)(2)(a)(ii) and either the requirement of subsection (A)(2)(a)(iii) or (A)(2)(a)(iv):
 - i. Have two ~~years~~ years' experience as a certified peace officer;
 - ii. Maintain instructional competency;
 - iii. Successfully complete a Board-sponsored instructor training course or an instructor training course that contains all of the performance objectives and demonstrations of the Board-sponsored instructor course;
 - iv. Possess a community college or university teaching certificate.
 - b. A specialist instructor shall meet the requirements of subsections (A)(2)(b)(i) and (A)(2)(b)(ii) and either subsection (A)(2)(b)(iii) or subsections (A)(2)(b)(iv) and (A)(2)(b)(v):
 - i. Be nominated by an agency head or the administrator of an academy authorized to provide a peace officer basic training course;
 - ii. Maintain instructional competency;
 - iii. Possess a professional license or certification other than a peace officer certification that relates to the topics to be taught;
 - iv. Provide documentation to the agency head or academy administrator for forwarding to the Board that demonstrates the expertise and ability to enhance peace officer training in a special field;
 - v. Possess a community college or university teaching certificate.
 - c. A proficiency instructor shall meet the requirements of subsections (A)(2)(c)(i) and (A)(2)(c)(ii) and either subsection (A)(2)(c)(iii) or (A)(2)(c)(iv):
 - i. Meet the requirements for general instructor;
 - ii. Maintain instructional competency;
 - iii. Successfully complete a proficiency instructor course in a topic area listed in R13-4-111(B)(2)(b) that includes a competency assessment to instruct in that area within the 585-hour full-authority peace officer basic training course listed in R13-4-116(E);
 - iv. Complete a form prescribed by the Board that documents advanced training and experience in the topic area including a competency assessment to instruct in that area within the 585-hour full-authority peace officer basic training course listed in R13-4-116(E);
 - d. A proficiency instructor shall meet the requirements of subsection (A)(2)(c) separately for each topic area listed in R13-4-111(B)(2)(b) for which the proficiency instructor seeks qualification.
 3. Instructional competency. An academy administrator or an agency head shall immediately notify the Board in writing of any instructor:
 - a. Who jeopardizes the safety of students or the public,
 - b. Whose instruction violates acceptable training standards,
 - c. Who is grossly deficient in performance as an instructor, or
 - d. Who is a proficiency instructor and fails to complete satisfactorily the competency assessment to instruct in the instructor's topic area within the 585-hour full-authority peace officer basic training course.
 4. If the Board determines that an instructor fails to comply with the provisions of this Section, has an instructional deficiency, or fails to maintain proficiency, any course facilitated by the instructor does not meet the requirements of this Section.
- B. Curriculum standards. An academy administrator or agency head shall ensure that the curriculum for a Board-prescribed



course meets the following standards:

1. Curriculum.
 - a. Curriculum development employs valid, job-based performance objectives and learning activities, and promotes student, officer, and public safety, as determined by a scientifically conducted validation study of the knowledge, skills, abilities, and aptitudes needed by the affected category of Arizona peace officer.
 - b. The curriculum meets or exceeds the requirements of subsection (B)(2), unless otherwise provided in this Section.
 2. Curriculum format standard. The curriculum consists of the following:
 - a. A general statement of instructional intent that summarizes the desired learning outcome, is broad in scope, and includes long-term or far-reaching learning goals;
 - b. Lesson plans containing:
 - i. Course title,
 - ii. Hours of instruction,
 - iii. Materials and aids to be used,
 - iv. Instructional strategy,
 - v. Topic areas in outline form,
 - vi. Performance objectives or learning activities,
 - vii. Success criteria, and
 - viii. Reference material;
 - c. Performance objectives consisting of at least the following components:
 - i. The student, which is an individual or group that performs a behavior as the result of instruction;
 - ii. The behavior, which is an observable demonstration by the student at the end of instruction that shows that the objective is achieved and allows evaluation of the student’s capabilities to perform the behavior; and
 - iii. The conditions, which is a description of the important conditions of instruction or evaluation under which the student performs the behavior. Unless specified otherwise within the lesson plan, instruction and evaluation will be in written or oral form;
 - d. Learning activities. A student is not required to demonstrate mastery of learning activities as a condition for successfully completing the training. Learning activities are subject areas for which performance objectives are not appropriate because either:
 - i. Reliable and meaningful assessment of mastery of the material would be extremely difficult or impossible, or
 - ii. Mastery of the material is not likely to bear a direct relationship to the ability to perform entry-level peace officer job duties; and
 - e. The following decimal numbering system to provide a logical means of organization:
 - i. Functional area (1.0, 2.0, 3.0),
 - ii. Topic area (1.1.0, 1.2.0, 1.3.0), and
 - iii. Performance objective or learning activity (1.1.1, 1.1.2, 1.1.3).
- C. The Board shall maintain and provide upon request a copy of curricula that meet the standards of this Section.

R13-4-116. Academy Requirements

- A. Unless otherwise provided in this Article, only the basic training provided by an academy that the Board determines meets the standards prescribed in this Section may be used to qualify for certified peace officer status.
- B. The academy administrator shall ensure that the academy has the following:
 1. A classroom with adequate heating, cooling, ventilation, lighting, and space;
 2. Chairs with tables or arms for writing;
 3. Visual aid devices for classroom presentation;
 4. Equipment in good condition for specialized instruction;
 5. A safe driving range for conducting the defensive and pursuit driving course;
 6. A firing range with adequate backstop to ensure the safety of all ~~persons~~ individuals on or near the range; and
 7. A safe location for practical exercises.
- C. Administrative requirements. The academy administrator shall ensure that the academy:
 1. Establishes and maintains written policies, procedures, and rules concerning: ~~the operation~~
 - a. Operation of the academy, ~~entrance~~
 - b. Entrance requirements, ~~and student~~
 - c. Student and instructor conduct, ~~and~~
 - d. Administering examinations;
 2. Admits only ~~persons~~ individuals who meet the requirements of R13-4-105, as attested to by the appointing agency ~~or, in the case of an open enrollee, by the academy administrator,~~ on a form prescribed by the Board;
 3. Administers to each student at the beginning of each academy session a written examination prescribed by the Board measuring competency in reading and writing English;
 4. Schedules sufficient time for Board staff to administer the CFE as required by R13-4-110(A); and



5. ~~Employs~~ Uses only instructors who are qualified under R13-4-114(A).
- D. Academic requirements. The academy administrator shall ensure that the academy:
1. Establishes a curriculum with performance objectives and learning activities that meet the requirements of subsection (E) and R13-4-114(B);
 2. Requires instructors to use lesson plans that cover the course content and list the performance objectives to be achieved and learning activities to be used;
 3. Administers written, oral, or practical demonstration examinations that measure the attainment of the performance objectives;
 4. Reviews examination results with each student and ensures that the student ~~makes and understands~~ is shown any necessary corrections and signs and dates an acknowledgment that the student participated in the review;
 5. Requires a student to complete successfully ~~an~~ oral or written ~~examination in each topic area~~ examinations that cover all topics in all functional areas before graduating.
 - a. Successful completion of an examination is a score of 70 percent or greater;
 - b. For a student who scores less than 70 percent, the academy shall:
 - i. Provide remedial training, and
 - ii. Re-examine the student in the area of deficiency; and
 - c. The academy shall allow a student to retake ~~an~~ each examination ~~in a topic area~~ only once;
 6. Requires a student to qualify with firearms as described in R13-4-116(E);
 7. Ensures that a student meets the success criteria for police proficiency skills under subsection (E)(1);
 8. Provides remedial training for a student who misses a class before allowing the student to graduate; and
 9. Refuses to graduate a student who is absent more than 32 hours from the full-authority peace officer basic training course or 16 hours from the specialty or limited-authority peace officer basic training course.
- E. Basic course requirements. The academy administrator shall ensure that the academy uses curricula that meet the requirements of R13-4-114 for the following basic courses of instruction.
1. The 585-hour full-authority peace officer basic training course shall include all of the topics listed in each of the following functional areas:
 - a. Functional Area I - Introduction to Law Enforcement.
 - i. Criminal justice systems,
 - ii. History of law enforcement,
 - iii. Law enforcement services,
 - iv. Supervision and management,
 - v. Ethics and professionalism, and
 - vi. Stress management.
 - b. Functional Area II - Law and Legal Matters.
 - i. Introduction to criminal law;
 - ii. Laws of arrest;
 - iii. Search and seizure;
 - iv. Rules of evidence;
 - v. Summonses, subpoenas, and warrants;
 - vi. Civil process;
 - vii. Administration of criminal justice;
 - viii. Juvenile law and procedures;
 - ix. Courtroom demeanor;
 - x. Constitutional law;
 - xi. Substantive criminal law, A.R.S. Titles 4, 13, and 36; and
 - xii. Liability issues.
 - c. Functional Area III - Patrol Procedures.
 - i. Patrol and observation (part 1),
 - ii. Patrol and observation (part 2),
 - iii. Domestic violence,
 - iv. Mental illness,
 - v. Crimes in progress,
 - vi. Crowd control formations and tactics,
 - vii. Bomb threats and disaster training,
 - viii. Intoxication cases,
 - ix. Communication and police information systems,
 - x. Hazardous materials,
 - xi. Bias-motivated crimes,
 - xii. Fires, and
 - xiii. Civil Disputes.



- d. Functional Area IV - Traffic Control.
 - i. Impaired driver cases;
 - ii. Traffic citations;
 - iii. Traffic collision investigation;
 - iv. Traffic collision (practical);
 - v. Traffic direction; and
 - vi. Substantive Traffic Law, A.R.S. Title 28.
 - e. Functional Area V - Crime Scene Management.
 - i. Preliminary investigation and crime scene management,
 - ii. Crime scene investigation (practical),
 - iii. Physical evidence procedures,
 - iv. Interviewing and questioning,
 - v. Fingerprinting,
 - vi. Sex crimes investigations,
 - vii. ~~Death investigations~~ investigations (including training certified by the Department of Health Services on sudden infant death syndrome),
 - viii. Organized crime activity,
 - ix. Investigation of specific crimes, and
 - x. Narcotics and dangerous drugs.
 - f. Functional Area VI - Community and Police Relations.
 - i. Cultural awareness,
 - ii. Victimology,
 - iii. Interpersonal communications,
 - iv. Crime prevention, and
 - v. Police and the community.
 - g. Functional Area VII - Records and Reports. Report writing.
 - h. Functional Area VIII - Police Proficiency Skills.
 - i. First aid,
 - ii. Firearms training (including firearms qualification),
 - iii. Physical conditioning,
 - iv. High-risk stops,
 - v. ~~Defensive~~ Arrest and control tactics,
 - vi. Vehicle operations, and
 - vii. Pursuit operations.
 - i. Functional Area IX - Orientation and Introduction.
 - i. Examinations and reviews,
 - ii. Counseling, and
 - iii. Non-Board specified courses.
2. The specialty peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
 3. The limited-authority peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
 4. ~~The 48-hour limited correctional peace officer supplement course shall include all of the topics listed in the following functional areas:~~
 - a. ~~Functional Area I - Introduction to Law Enforcement: Management and Supervision.~~
 - b. ~~Functional Area II - Law and Legal Matters:~~
 - i. ~~Laws of arrest, and~~
 - ii. ~~Search and seizure.~~
 - e. ~~Functional Area III - Patrol Procedures:~~
 - i. ~~Patrol and observation, and~~
 - ii. ~~Bias-motivated crimes.~~
 - d. ~~Functional Area IV - Crime Scene Management:~~
 - i. ~~Preliminary investigation, and~~
 - ii. ~~Crime scene management.~~
 - e. ~~Functional Area V - Proficiency Skills:~~
 - i. ~~First aid, and~~
 - ii. ~~Firearms training.~~
- 5-4. Administrative functions such as orientation, introductions, examinations and reviews, and counseling are exempt from the requirements of R13-4-114(B).
- F. Records required. The academy administrator shall ensure that the following records are maintained and made available



for inspection by the Board or staff. The academy administrator shall provide to the Board copies of records upon request.

1. A record of all students attending the academy;
 2. A manual containing the policies, procedures, and rules of the academy;
 3. A document signed by each student indicating that the student received and read a copy of the academy policies, procedures, and rules;
 4. An application for each student, on a form prescribed by the Board, from the appointing agency ~~for each student or, in the case of an open enrollee, from the academy administrator~~, attesting that the requirements of R13-4-105 are met;
 5. A copy of all lesson plans used by instructors;
 6. An annually signed and dated acknowledgment that the academy administrator reviewed and approved each lesson plan used at the academy;
 7. A copy of all examinations, answer sheets or records of performance, and examination review acknowledgments;
 8. An attendance roster for all classes or other record that identifies absent students;
 9. A record of classes missed by each student and the remedial training received;
 10. A record of disciplinary actions for all students; and
 11. A file for each student containing the student's performance history.
- G.** Reports required. The academy administrator shall submit to the Board:
1. At least 10 working days before the start of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;
 2. No more than five working days after the start of each academy session, on a form prescribed by the Board, a roster ~~containing the identification of~~ indicating whether a student is an open enrollee or appointed and if appointed, identifying the appointing agency, and the full name and Social Security number of each student;
 3. No more than five working days after dismissing a student from the academy, notification of the dismissal and the reason;
 4. No later than the tenth day of each month, a report containing:
 - a. A summary of training activities and progress of the academy class to date;
 - b. Unusual occurrences, accidents, or liability issues; and
 - c. Other problems or matters of interest noted in the course of the academy, if not included under subsection (G)(4)(b);
 5. No more than 10 working days after the end of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;
 6. No more than 10 working days after the end of each academy session, on a form prescribed by the Board, a roster ~~containing the identification of~~ indicating whether a student is an open enrollee or appointed and if appointed, identifying the appointing agency, and the full name and Social Security number of each student successfully completing the training.
- H.** Required inspections. Before an academy provides training to ~~persons~~ individuals seeking certification for any category of peace officer, the Board staff shall conduct an onsite inspection of the academy to determine compliance with this Section and R13-4-114. Board staff shall conduct additional inspections as often as the Board deems necessary.
1. Within 30 days after the inspection, the Board staff shall provide to the academy administrator an inspection report that lists any deficiencies identified and remedial actions the academy is required to take to comply with the standards of this Section and R13-4-114.
 2. Within 30 days after receipt of the inspection report, the academy administrator shall submit to the Board a response that indicates the progress made to complete the remedial actions necessary to correct the deficiencies described in the inspection report. The academy administrator shall submit to the Board additional responses every 30 days until all remedial action is complete.
 3. Within 30 days after receipt of notice that all remedial action is complete, Board staff shall conduct another inspection.
 4. Following each inspection, Board staff shall present an inspection report to the Board describing the academy's compliance in meeting the standards of this Section and R13-4-114.
- I.** If an academy does not conduct a peace officer basic training course for 12 consecutive months, the academy shall not provide training until Board staff conducts another inspection as required by subsection (H). Otherwise, an academy may continue to provide training unless the Board determines that the academy is not in compliance with the standards of this Section or R13-4-114.
- J.** If the Board finds that an academy fails to comply with the provisions of this Section or R13-4-114, the academy shall not provide training to ~~persons~~ individuals seeking to be certified as peace officers.
- K.** An academy administrator shall ensure that an open enrollee is admitted only after the academy administrator complies with every requirement of an agency or agency head imposed by R13-4-105, R13-4-106, R13-4-107, and R13-4-108 except for R13-4-106(C)(4).

R13-4-117. Training Expense Reimbursements

- A.** Approval of training courses. The Board shall approve or deny training courses for training expense reimbursement



based on compliance with this Section and R13-4-111, and availability of funds.

- B. Application for reimbursement. Before the beginning of a training program described in R13-4-111, an agency planning to participate in the training and apply for reimbursement, shall notify the Board on prescribed forms.
- C. Claim for reimbursement. When ~~a person~~ an individual completes a training course, the appointing agency may submit a claim for reimbursement on a form prescribed by the Board. The ~~claim~~ agency shall be submitted submit the claim within 60 days after ~~completion of the training is completed.~~
- D. Allowable reimbursements. The Board shall allow the following reimbursements subject to the limits on the amount of reimbursement as determined by the Board under subsection (E):
 1. The actual cost of lodging and meals while a peace officer ~~attends~~ attended a training course,
 2. ~~The actual pay a peace officer received while attending a training course,~~
 - 3-2. Tuition for a training course on a pro-rata basis for the actual hours of training attended, and
 - 4-3. Other expenses incurred by a peace officer.
- E. Limitations on reimbursements. The following limitations apply to applications for reimbursement involving training courses.
 1. The Board shall not reimburse an agency if the peace officer has previously completed the same training course within three years;
 2. The Board shall not reimburse an agency for a peace officer who fails to complete a training course except upon request of the appointing agency. The agency shall present the reasons for the non-completion to the Board with the request for reimbursement; and
 3. ~~The Board may pay salary reimbursement for a training course only for the actual hours of training attended at the percentage rate established by the Board.~~
 - 4-3. The Board shall not reimburse an agency for ~~payment~~ the cost of insurance, medical, pension, uniform, clothing, equipment, or other benefits or expenses of a peace officer while attending a training course.
- F. Academy reimbursement. The Board may reimburse an academy for the actual costs of materials, books, ammunition, registration fees and tuition, necessary for completion of a basic course up to the limits set by the Board. To receive reimbursement, an academy shall furnish paid receipts or invoices or other information as required by the Board to verify costs incurred. The Board shall not reimburse an academy for costs incurred for registration fees, tuition, books, materials, or ammunition for a peace officer, if the Board has made these reimbursements for the peace officer's previous attendance at an academy.

R13-4-118. Hearings; Rehearings

- A. If a respondent makes a ~~proper~~ request for hearing under R13-4-109(E), the hearing shall be held in accordance with A.R.S. Title 41, Chapter 6, Article 10.
- B. If a respondent fails to comply with the requirements under R13-4-109(E) within 30 days of the notice of action sent under R13-4-109(E), the Board may consider the case based on the information available.
- C. If a respondent requests a hearing, but fails to appear at the hearing, the Board or administrative law judge may vacate the hearing. If a hearing is vacated, the Board may deem the acts and violations charged in the notice of action admitted, and impose any of the sanctions provided by A.R.S. § 41-1822(C)(1).
- D. The Board shall render a decision in writing. The Board shall serve notice of the decision ~~upon~~ on each party as required by A.R.S. § 41-1092.04.
- E. ~~Except as provided in subsection (I), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party's administrative remedies.~~
- ~~E-F.~~ A party may file a motion for rehearing or reconsideration review of ~~the a~~ decision with the Board not later than 30 days after service of the Board's decision, specifying the particular grounds for the motion.
- ~~F-G.~~ The Board may grant a rehearing or reconsideration review of a decision for any of the following reasons materially affecting the moving party's rights:
 1. Irregularity in the administrative proceedings, or any abuse of discretion that ~~deprives~~ deprived the moving party ~~was deprived~~ of a fair hearing;
 2. Misconduct of the Board, the administrative law judge, or the prevailing party;
 3. Mistake or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the hearing;
 5. Error in the admission or rejection of evidence or other errors of law occurring at the hearing; or
 6. The decision was not justified by the evidence or the decision was contrary to law.
- ~~G-H.~~ The Board may affirm or modify the decision or grant a rehearing to any or all of the parties, on part or all of the issues, for any of the reasons in subsection ~~(F)~~ (G). An order granting a rehearing shall specify the particular issues in the rehearing and the rehearing shall concern only the matters specified.
- I. If the Board makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Board shall issue the decision as a final decision without an opportunity for rehearing or review.

ARTICLE 2. CORRECTIONAL OFFICERS

R13-4-201. Definitions

~~¶~~ The definitions in A.R.S. § 41-1661 apply to this Article; Additionally, unless the context otherwise requires:



“Academy” means the Correctional Officer Training Academy (COTA) of the Arizona Department of Corrections in Tucson, Arizona, or a satellite location authorized by the Director.

“Appointment” means the selection of ~~a person~~ an individual as a correctional officer.

“Applicant” means an ~~person~~ individual who applies to be a correctional officer.

“Board” is defined in A.R.S. § 41-1661(2).

“Cadet” means an ~~applicant who meets the requirements for appointment as~~ individual who is attending the academy and, upon graduation, will become a state correctional officer and is selected to attend the academy.

“Correctional officer” is defined in A.R.S. § 41-1661(3).

“Dangerous drug or narcotic” is defined in R13-4-101.

“Department” means the Arizona Department of Corrections.

“Director” is defined in A.R.S. § 41-1661(4).

“Employing agency” is defined in A.R.S. § 41-1661(5).

“Experimentation” means the illegal use of marijuana, a dangerous drug, or narcotic, as described in R13-4-105(B) and (C).

“State correctional officer” means ~~a person~~ an individual employed by the Department in the correctional ~~service officer and correctional program~~ officer series.

R13-4-202. Uniform Minimum Standards

- A. To be admitted to the academy for training as a state correctional officer, ~~a person~~ an individual shall:
1. Be a citizen of the United States or ~~be~~ eligible to work in the United States;
 2. Be at least 21 years of age by the date of graduation from the academy;
 3. Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination or equivalent as specified in R13-4-203(C)(3);
 4. Have a valid Arizona driver’s license (Class 2 or higher) by the date of graduation from the academy;
 5. Undergo a complete background investigation that meets the standards of R13-4-203;
 6. Undergo a physical examination (within 12 months before appointment) as prescribed by the Director by a licensed physician designated by the Director;
 7. Not have been dishonorably discharged from the United States Armed Forces;
 8. Not have experimented with marijuana within the past 12 months;
 9. Not have experimented with a dangerous drug or narcotic within the past five years;
 10. Not have ever illegally used marijuana, or a dangerous drug or narcotic other than for experimentation;
 11. Not have a pattern of abuse of prescription medication; and
 12. Not have committed a felony or a misdemeanor of a nature that the Board determines has a reasonable relationship to the functions of the position, in accordance with A.R.S. § 13-904(E).
- B. If the Director wishes to appoint an individual whose conduct is grounds to deny certification under R13-4-109, the Director may petition the Board for a determination that the otherwise disqualifying conduct constitutes juvenile indiscretion by complying with R13-4-105(D).
- ~~B.C.~~ Code of Ethics. To enhance the quality of performance and the conduct and the behavior of correctional officers, ~~a person~~ an individual appointed to be a correctional officer shall commit to the following Code of Ethics and shall affirm the commitment by signing the ~~code, on a form designated by the Board~~ Code:
- “I shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands. I shall be courteous, considerate, and prompt when dealing with the public, realizing that I serve the public. I shall maintain mutual respect and professional cooperation in my relationships with other staff members.
- I shall be firm, fair, and consistent in the performance of my duties. I shall treat others with dignity, respect, and compassion, and provide humane custody and care, void of all retribution, harassment, or abuse. I shall uphold the Constitutions of the United States and the state of Arizona, and all federal and state laws. Whether on or off duty, in uniform or not, I shall conduct myself in a manner that will not bring discredit or embarrassment to my agency or the state of Arizona.
- I shall report without reservation any corrupt or unethical behavior that could affect either inmates, employees, or the integrity of my agency. I shall not use my official position for personal gain. I shall maintain confidentiality of information that has been entrusted to me and designated as such.
- I shall not permit myself to be placed under any kind of personal obligation that could lead any person to expect official favors. I shall not accept or solicit from anyone, either directly or indirectly, anything of economic value such as a gift, gratuity, favor, entertainment, or loan, that is or may appear to be, designed to influence my official conduct. I will not discriminate against any inmate, employee, or any member of the public on the basis of race, gender, creed, or national origin. I will not sexually harass or condone sexual harassment of any person. I shall maintain the highest standards of personal hygiene, grooming, and neatness while on duty or otherwise representing the state of Arizona.”



R13-4-203. Background Investigation

- A. The Department shall conduct a background investigation before an applicant is admitted to the academy. The Department shall review the personal history statement submitted under subsection (B) and the results of the background investigation required in subsection (C) to determine ~~that whether the person individual~~ meets the requirements of R13-4-202; and ~~that the person's individual's~~ personal history statement is accurate and truthful.
- B. Personal history. An applicant shall complete and submit to the employing agency a personal history statement on a form prescribed by the Board. ~~The applicant shall complete the personal history statement shall be completed before the start of the background investigation. It shall contain and ensure that the personal history statement answers to questions required in~~ provides the information necessary for the Department to conduct the investigation described in subsection (C).
- C. Investigative requirements. Before admitting an applicant to the academy, the Department shall collect, verify, and retain documents establishing that ~~an~~ the applicant meets the standards specified in this Article. At a minimum, this documentation shall include:
 - 1. Proof of the applicant's age and United States citizenship or eligibility to work in the United States. A copy of any of the following regarding the applicant is acceptable proof:
 - a. ~~The applicant's birth~~ Birth certificate,
 - b. United States passport,
 - c. Certification of United States Naturalization,
 - d. Certificate of Nationality, or
 - e. Immigration Form I-151 or I-1551.
 - 2. Proof of the applicant's valid ~~Arizona~~ driver's license. A copy of the applicant's ~~Arizona~~ driver's license; ~~along with and~~ written verification of the applicant's driving record from the ~~Arizona applicable state's~~ Department of Transportation, Motor Vehicle Division, is required proof.
 - 3. Proof that the applicant is a high school graduate or its equivalent. The following are acceptable proof:
 - a. A copy of a ~~high school diploma, or graduation certificate from a high school recognized by the department of education of the jurisdiction in which the diploma is issued;~~
 - b. ~~Successful~~ A copy of a certificate showing successful completion of the ~~Arizona~~ General Education Development (G.E.D.) ~~tests or successful completion of an equivalent test from another state, that meets or exceeds the Arizona Department of Education's requirement for G.E.D. testing; or~~
 - c. In the absence of proof of high school graduation or successful completion of the G.E.D. tests test,
 - i. A copy of ~~an Associate's Degree~~ a degree or transcript from an accredited college or university showing successful completion of high school or high school equivalency;
 - ii. ~~A certificate issued by the United States Armed Forces Institute (U.S.A.F.I.) before December 31, 1974, showing successful completion of high school equivalency;~~
 - iii. ~~A~~ A United States Military Service Record DD Form 214-#4 with the Education block indicating high school completion, or
 - iv. ~~iii. The applicant may submit other~~ Other evidence of high school education equivalency submitted to the Board for consideration by the Board.
 - 4. Record of any military discharge. A copy of the Military Service Record (DD Form 214-#4) is acceptable proof.
 - 5. Results of a psychological fitness assessment approved by the Director and conducted by a psychologist or psychiatrist designated by the Department.
 - 6. Personal ~~reference~~ references: The names and addresses of at least three individuals who can provide information regarding the applicant.
 - 7. ~~and previous employer inquiries~~ Previous employers or schools attended. ~~Information provided by at least three personal references and~~ The names and addresses of all previous employers of and schools attended by the applicant for the past five years ~~shall be documented by the Department.~~
 - 8. Residence history. The complete address for every location at which the applicant has lived in the last five years.
 - 7-9. Law enforcement agency records. The Department shall request and review law enforcement agency records in jurisdictions where the applicant has lived, worked, or attended school in the past five years. ~~Information~~ The Department shall document the information obtained ~~shall be documented by the Department.~~
 - 8-10. Criminal history query. Results of the Department's ~~The Department shall~~ query of the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH), or the equivalent for each state where the applicant has lived, worked, or attended school in the past five years and review ~~of that~~ the criminal history record for any arrest or conviction to determine compliance with R13-4-202.
 - 9-11. An applicant Fingerprint card. The Department shall obtain from an applicant and submit a fingerprint card ~~processed for processing~~ by the Arizona Department of Public Safety and the Federal Bureau of Investigation.
 - a. The Department shall process ~~an applicant~~ a fingerprint card for ~~all cadets~~ an applicant entering the academy, except as provided in subsections (C)(9)(b) and (C)(9)(c). ~~Fingerprint cards shall be processed by the~~ The Department; shall process a fingerprint card for an applicant even if the applicant has a processed applicant fingerprint card from a previous employer.



- b. If ~~an applicant~~ the fingerprint card is not fully processed when the applicant is ready to enter the academy, the Department may allow the applicant to attend the academy if:
 - i. A computerized criminal history check has been made and the results are on file with the Department, and
 - ii. The applicant meets all other requirements of this Section and R13-4-202.
- c. If the Department has not received a fully processed fingerprint card within 15 weeks of the date of admission to the academy, ~~the person~~ individual does not meet the requirements of this Section and may be terminated from the academy. The Department may extend the deadline for receipt of a processed fingerprint card an additional 15 weeks. An individual terminated from the academy under this subsection Upon receipt of a fully processed card, the person may be re-employed under R13-4-208 when a fully processed fingerprint card is received.

R13-4-204. Records and Reports

- A. Reports. The Department shall submit to the Board a report by the Director attesting that each ~~person~~ individual completing the academy meets the requirements of R13-4-202.
- B. Records. The Department shall make Department records available to the Board upon request of the Board or its staff. The Department shall keep the records in a central location. The Department shall maintain:
 - 1. A copy of reports submitted under subsection (A);
 - 2. All written documentation obtained or recorded under R13-4-202 and R13-4-203; and
 - 3. A record of all advanced training, specialized training, continuing education, and firearms qualification conducted under R13-4-206 ~~and R13-4-207.~~
- C. Record retention. The Department shall maintain the records required by this Section as follows:
 - 1. For applicants investigated under R13-4-203 who are not appointed: two years; and
 - 2. For applicants who are appointed: five years from the date of ~~appointment~~ termination, except records retained under subsection (B)(3), shall be retained for three years.

R13-4-205. Basic Training Requirements

- A. Required training for state correctional officers. Before appointment as a state correctional officer, ~~a person~~ an individual shall complete a Board-approved basic correctional officer training program. This program shall meet or exceed the requirements of this Section.
- B. Curricula or training material approval ~~time frames~~ time frames.
 - 1. For the purposes of A.R.S. § 41-1073, the Board establishes the following ~~time frames~~ time frames for curricula or training material that require Board approval under this Section and R13-4-206.
 - a. Administrative completeness ~~time frame~~ time frame: 60 days.
 - b. Substantive review ~~time frame~~ time frame: 60 days.
 - c. Overall ~~time frame~~ time frame: 120 days.
 - 2. The administrative completeness review ~~time frame~~ time frame begins on the date the Board receives the documents required by this Section or R13-4-206.
 - a. Within ~~90~~ 60 days, the Board shall review the documents and issue to the Department a statement of administrative completeness or a notice of administrative deficiencies that lists each item required by this Section that is missing.
 - b. If the Board issues a notice of administrative deficiency, the Department shall submit the missing documents and information within 90 days of the notice. The administrative completeness ~~time frame~~ time frame is suspended from the date of the deficiency notice until the date the Board receives the missing documents and information.
 - c. If the Department fails to provide the missing documents within the 90 days provided, the Board shall deny the approval.
 - d. When the file is administratively complete, the Board shall provide written notice of administrative completeness to the Department.
 - 3. The substantive review ~~time frame~~ time frame begins on the date the Board issues the notice of administrative completeness.
 - a. During the substantive review ~~time frame~~ time frame, the Board may make one comprehensive written request for additional information.
 - b. The Department shall submit to the Board the additional information identified in the request for additional information within 60 days. The ~~time frame~~ time frame for the Board to finish the substantive review of the application is suspended from the date of the request for additional information until the Board receives the additional information.
 - c. The Board shall deny the approval if the additional information is not supplied within the 60 days provided.
 - d. When the substantive review is complete, the Board shall grant or deny approval.
- C. Basic course specifications.
 - 1. The Department shall develop the curriculum for the basic correctional officer training program.
 - a. The curriculum shall include courses in the following functional areas.
 - i. Functional Area I - Ethics and Professionalism;



- ii. Functional Area II - Inmate Management;
 - iii. Functional Area III - Legal Issues;
 - iv. Functional Area IV - Communication Skills;
 - v. Functional Area V - Officer Safety, including firearms;
 - vi. Functional Area VI - Applied Skills;
 - vii. Functional Area VII - Security, Custody, and Control;
 - viii. Functional Area VIII - Conflict and Crisis Management; and
 - ix. Functional Area IX - Medical Emergencies, and Physical and Mental Health.
- b. The curriculum shall also contain administrative time for orientation, counseling, testing, and remedial training.
2. ~~Curriculum~~ The Department shall ensure that curriculum submitted to the Board for approval ~~shall contain~~ contains lesson plans that include:
- a. Course title,
 - b. Hours of instruction,
 - c. Materials and aids to be used,
 - d. Instructional strategy,
 - e. Topic areas in outline form,
 - f. Success criteria, and
 - g. The performance objectives or learning activities to be achieved.
3. After initial approval by the Board, the Director or the Director's designee shall: ~~annually~~
- a. Annually review and approve each lesson plan submitted to and approved by the Board under subsection (C)(2); used in the academy; and
 - b. If an approved lesson plan has been changed, submit the changed lesson plan to the Board for approval; or
 - c. The Director or the Director's designee If an approved lesson plan has not been changed, shall sign and date an acknowledgment of approval for each lesson plan.
4. ~~A~~ The Department shall ensure that the following three components are specified for each performance objective shall consist of three components:
- a. The learner, which is an individual or group that performs a behavior as the result of instruction;
 - b. The behavior, which is an observable demonstration by the learner at the end of instruction that shows that the objective is achieved and allows evaluation of the learner's capabilities relative to the behavior;
 - c. The conditions, which is a description of the important conditions of instruction or evaluation under which the learner will perform the stated behavior. Unless specified otherwise, the instruction and evaluation shall be in written or oral form.
5. ~~Instructors~~ The Department shall ensure that instructors of basic correctional officer training courses ~~shall meet instructor proficiency requirements developed by the Department and approved by the Board. Instructors shall be qualified by~~ The Department shall ensure that proficiency requirements for instructors include education, experience, or a combination of both, and. The Department shall be affirmed affirm to the Board that each instructor by the Department as having has the necessary qualifications before the instructor delivering delivers any instruction. In addition to these requirements, instructors of courses dealing with the proficiency skills of defensive tactics, physical conditioning, firearms, and medical emergencies shall complete specialized training developed by the Department and approved by the Board. Instructors shall use lesson plans described in subsection (C)(2).

D. Academic requirements.

- 1. ~~Cadets~~ A cadet shall be given ~~any~~ a combination of written, oral, or practical demonstration examinations capable of measuring ~~their the~~ cadet's attainment of the performance objectives in each approved lesson plan.
- 2. Academy staff shall review examination results and academic progress with ~~cadets each cadet on a weekly basis.~~ Academy staff shall ensure that ~~cadets are aware~~ each cadet is informed of correct responses.
- 3. ~~Cadets~~ A cadet shall complete all examinations before graduating from the academy. To successfully complete a written or oral examination, a cadet shall ~~have a~~ score of at least 70 percent.
 - a. ~~For a student who~~ If a cadet receives a score of less than 70 percent, the academy shall provide the cadet with remedial training in areas of deficiency.
 - b. The academy shall not offer a cadet more than one re-examination per lesson plan.
- 4. ~~Each~~ A cadet shall qualify with firearms as specified in subsection (C). Firearms qualification shall include:
 - a. 50-shot daytime or nighttime qualification course with service handgun. The minimum passing score is 210 points out of a possible 250 points;
 - b. Seven-shot qualification course with service shotgun; and
 - c. Target identification and discrimination course.
- 5. ~~Each~~ A cadet shall meet success criteria described in the Board-approved curriculum for the proficiency skills of self-defense, physical conditioning, and medical emergencies, as approved under R13-4-205(C).
- 6. ~~At~~ The academy shall provide cadets a cadet who ~~do~~ does not attend a lesson with remedial training before graduation.



7. ~~An~~ The academy shall not graduate a cadet who attends less than 90 percent of the total hours of basic training shall not graduate from the academy.
- E. Exceptions. A cadet shall not function as a state correctional officer except:
1. As a part of an exercise within the approved basic training program ~~at the academy~~, if the cadet is under the direct supervision and control of a state correctional officer; or
 2. At the discretion of the Director, for the duration of an emergency situation including, but not limited to, riots, insurrections, and natural disasters. A cadet shall not carry a firearm in the course of duty unless the cadet has successfully met the requirement of R13-4-205(D)(4).
- F. Waiver of required training. The Board shall grant a complete or partial waiver of the required basic training, at the request of the Director, upon a finding by the Board that the best interests of the corrections profession are served and the public welfare and safety is not jeopardized by the waiver if an applicant:
1. ~~An applicant successfully~~ Successfully completes a basic corrections ~~recruit officer~~ training course comparable to or exceeding, in hours of instruction and subject matter, the Board-approved basic correctional officer training course and has a minimum of one year of experience as a correctional officer. ~~Written~~ The applicant shall include verification of previous experience and training shall accompany with the application for waiver;
 2. ~~An applicant meets~~ Meets the minimum qualifications specified in R13-4-202; and
 3. ~~An applicant successfully~~ Successfully completes a comprehensive examination measuring comprehension of the basic correctional officer training course. The comprehensive examination shall be prepared by the Department, ~~and approved by the Board. It shall, and~~ include a written test and practical demonstrations of proficiency in firearms, physical conditioning, and defensive tactics.
- G. ~~Certificate of completion time frame. The Board shall provide certificates of completion for each person named in the Director's attestation made under R13-4-204(A) within 30 days of Board receipt. The Board shall mail certificates of completion to the Director for distribution.~~

R13-4-206. Field Training and Continuing Training Including Firearms Qualification

A. Field training requirement. Before graduating from the academy or within two months after graduation, a cadet or state correctional officer shall participate in and successfully complete a Board-approved field training program.

A.B. Continuing training requirement.

1. A state correctional officer shall receive eight hours of Board-approved continuing training each calendar year beginning January 1; following the date the officer received certified status.
2. ~~A In addition to the training required under subsection (B)(1), a state correctional officer authorized to carry a firearm shall qualify each calendar year after appointment beginning January 1; following the date the officer received certified status, on a Board-approved course of fire, The firearms qualification training shall meet the standards specified under subsection (E). Firearms qualification (F) and shall not be used to satisfy the requirements of R13-4-206(B) (C).~~

B.C. Continuing training requirements may be fulfilled by:

1. Advanced training programs, or
2. Specialized training programs.

C.D. Advanced training programs. The Department shall develop, design, implement, maintain, evaluate, and revise advanced training programs that include courses enhancing a correctional officer's knowledge, skills, or abilities for the job that the correctional officer performs. The courses within this an advanced training program shall be approved by the Board and include advanced or remedial training in any topic listed in R13-4-205(C).

D.E. Specialized training programs. The Department shall develop, design, implement, maintain, evaluate, and revise specialized training programs that address a particular need of the Department and target a select group of officers. The courses within this a specialized training program shall be approved by the Board and include topics different from those in the basic corrections training program or any advanced training programs.

E.F. Firearms qualification required. A correctional officer authorized to carry a firearm shall qualify to continue to be authorized to carry a firearm each calendar year beginning the year following the receipt of certified status by completing a Board-prescribed firearms qualification course using a service handgun, service shotgun, and service ammunition, and a Board-prescribed target identification and judgment course.

1. Firearms qualification course standards.
 - a. A firearms qualification course is:
 - i. A course prescribed under R13-4-205(C); or
 - ii. A course determined by the Board to measure firearms competency at least as accurately as the course prescribed under R13-4-205(C).
 - b. All firearms qualification courses shall include:
 - i. A timed accuracy component;
 - ii. A type and style of target that is equal to, or more difficult than, the targets used under R13-4-205(C); and
 - iii. Success criteria that are equal to, or more difficult than, the success criteria used under R13-4-205(C).
2. Firearms target identification and judgment course standards.
 - a. A firearms target identification and judgment course is:
 - i. A course prescribed under R13-4-205(C); or



- ii. A course determined by the Board to measure target identification and judgment competency at least as accurately as those prescribed under R13-4-205(C).
- b. All firearms target identification and judgment courses shall include:
 - i. A timed accuracy component;
 - ii. A type and style of target discrimination that is equal to, or more difficult than, those used under R13-4-205(C); and
 - iii. Success criteria that are equal to, or more difficult than, those used under R13-4-205(C),
- 3. All courses shall be presented by a firearms instructor ~~meeting~~ who meets the requirements ~~of~~ under R13-4-205(C)(5).

R13-4-208. Re-employment of State Correctional Officers

- A. A state correctional officer who terminates employment may be re-employed by the Department within two years from the date of termination if the ~~person~~ former state correctional officer meets the requirements of R13-4-202 and R13-4-203; at the time of re-employment.
- B. A state correctional officer who terminates employment may be re-employed by the Department if re-employment is sought more than two years but less than three years from the original date of termination, if the ~~person~~ former state correctional officer meets the requirements of R13-4-202 and R13-4-203; at the time of re-employment; and completes the waiver provisions of R13-4-205(F).
- C. A ~~person~~ former state correctional officer who seeks re-employment more than three years from the date of termination shall meet all the requirements of this Article at the time of re-employment.

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

STATE LOTTERY COMMISSION

[R16-36]

- 1. Title and its heading:** 19, Alcohol, Horse and Dog Racing, Lottery, and Gaming

Chapter and its heading: 3, Arizona State Lottery Commission

Article and its heading: 5, Procurements

Section numbers: R19-3-501 through R19-3-569 (*As part of this rulemaking, sections may be added, deleted, or modified as necessary.*)
- 2. The subject matter of the proposed rule:**
The Lottery’s Procurement rules establish the policies and procedures for procurements relating to the design and operation of the Lottery or purchase of Lottery equipment, tickets and related materials. The Lottery is amending these rules to conform to state procurement rule changes approved by Council and effective February 2015. A.R.S. § 41-2501(F) requires the Lottery director to adopt rules substantially equivalent to the policies and procedures of the Arizona Procurement Code for procurements relating to the design and operation of the Lottery or purchase of Lottery equipment, tickets, or related materials. Changes have also been made where necessary to clarify existing language and procedures.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Pam DiNunzio
Address: Arizona State Lottery
4740 E. University Drive
Phoenix, AZ 85034
Telephone: (480) 921-4489
Fax: (480) 921-4488
E-mail: pdinunzio@azlottery.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Lottery will accept written comments from 8:00 a.m. until 5:00 p.m., Monday through Friday (except state holidays) at the address listed in item #4. The date, time, and location of an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined.



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2016-03

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2016, as a notice to the public regarding state agencies' rulemaking activities.

[M16-29]

WHEREAS, Arizona is poised to lead the nation in job growth;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, small businesses and startups are especially hurt by regulations;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

- 1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminates rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded



from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

4. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
5. This Executive Order expires on December 31, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Eighth day of February in the Year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:

Michele Reagan
Secretary of State



GOVERNOR PROCLAMATIONS

The Administrative Procedure Act (APA) requires the publication of Governor proclamations of general applicability, and ceremonial dedications issued by the Governor.

ARIZONA ARCHAEOLOGY AND HERITAGE AWARENESS MONTH

[M16-38]

WHEREAS, Arizona’s heritage is rich in cultural diversity as represented by numerous archaeological, historical, and traditional (Native American and other ethnicities) sites within our State; and
WHEREAS, preservation of prehistoric and historic archaeological sites, as well as traditional properties, provides significant educational, cultural, and economic benefits to all citizens; and
WHEREAS, all citizens of Arizona are encouraged to be aware of the fragility of our cultural resources and to take an active part in their protection; and
WHEREAS, knowledge and understanding of our past is threatened by wanton and illegal destruction of archaeological sites and traditional properties by pothunters and vandals; and
WHEREAS, many professional and avocational archaeologists, Native Americans, and other citizens volunteer their time and efforts to preserve and protect Arizona’s unique archaeological resources; and
WHEREAS, through the Governor’s Archaeology Advisory Commission and the volunteer Site Steward Program, the State has joined with city, county, federal, and tribal officials, museums, archaeologists, historians, private citizens, and others to enhance public awareness of and concern for protecting Arizona’s rich cultural heritage; and
WHEREAS, Archaeology and Heritage Awareness Month provides an opportunity for all Arizonans to reflect on our past and the role archaeologists and historians play in revealing and understanding the unique legacy of our State; and
WHEREAS, the theme of this year’s celebration is “Heritage Matters: The Past Begins Today!” as an effort to raise awareness about Arizona’s history.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 2016 as

ARIZONA ARCHAEOLOGY AND HERITAGE AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

ARIZONA MYELOMA AWARENESS WEEK

[M16-39]

WHEREAS, myeloma, which is also referred to as Kahler’s disease, myelomatosis, and plasma cell myelomas, is a cancer of the plasma cells, a type of white blood cells that are primarily found in bone marrow; and
WHEREAS, myeloma eventually causes destruction to the outer layers of the bone, causing chronic pain, immobility, and possible nerve damage; and
WHEREAS, in Arizona, during the last five years, there have been an average of 372 newly diagnosed cases of myeloma and 217 deaths caused by myeloma each year; and
WHEREAS, the Arizona Myeloma Network’s mission is to promote education, awareness, and advocacy for the improved treatment and quality of life for Multiple Myeloma patients and their caregivers regardless of political, social, cultural, organizational or economic barriers; and
WHEREAS, Arizona Myeloma Network established the Tissue Donor Awareness Program to educate the citizens of Arizona regarding donation of tissue for cancer research; and
WHEREAS, Arizona Myeloma Network established the Cancer Caregiver Educational Support Programs for the cancer caregivers who are unsupported and under-represented.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 19 - 26, 2016 as

ARIZONA MYELOMA AWARENESS WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona



Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

ARIZONA PURCHASING MONTH

[M16-40]

WHEREAS, the purchasing and supply management profession plays a significant role in the quality, efficiency, profitability and productivity of business and government throughout the United States; and
WHEREAS, the purchasing and supply management profession works for public, private, and non-profit organizations; and
WHEREAS, in addition to the purchase of commodities and services, the purchasing and supply management profession engages in, and/or has direct responsibility for functions such as the following: executing, implementing, and administering contracts, developing forecasts and procurement strategies, supervising and/or monitoring the flow and storage of materials, and establishing working relationships with suppliers and other departments within organizations; and
WHEREAS, the purchasing and supply management profession has tremendous influence on the nation's economy, with an accumulative purchasing power running into the billions of dollars; and
WHEREAS, purchasing or procurement operations range from one person to several thousand within their respective organizations; and
WHEREAS, the Arizona State Capitol Chapter of the National Institute of Governmental Purchasing (NIGP) and other associations around the globe are holding activities and special events to further educate and inform the general public on the role of purchasing within business, industry, and government.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 2016 as

ARIZONA PURCHASING MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

AUTO THEFT AND CRIME PREVENTION DAY

[M16-41]

WHEREAS, the Arizona Automobile Theft Authority and statewide law enforcement officials believe several factors are impacting vehicle theft and crime rates in our state. Those include, the deployment of bait cars in high-crime areas, free window VIN (vehicle identification number) Etching programs, enrollment in the Watch Your Car decal program and increased public awareness and education activities; and
WHEREAS, Arizona, once ranked the #1 state for auto theft in the United States, now ranks 11th in the nation for vehicle thefts per capita. Phoenix, once ranked the #1 hot spot for vehicle thefts, dropped to #75 in 2014, while Tucson, once the #2 spot, has dropped to #87 and Yuma is #79; and
WHEREAS, increased awareness of transnational criminal organizations using Arizona stolen vehicles to conduct illicit activities on both sides of the border, along with enforcement, prosecution and theft prevention efforts, which are vital to ensure border security; and
WHEREAS, the Arizona Automobile Theft Authority and statewide law enforcement agencies have partnered to advertise March 28, 2016 as a date when citizens can build knowledge and learn methods to better prevent themselves from becoming a victim of crime; and
WHEREAS, citizens throughout the State are encouraged to participate in Auto Theft and Crime Prevention Day on March 28, 2016 at the Arizona State Capitol, House Lawn, and can learn more about this event at <https://aata.az.gov/upcoming-events>.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 28, 2016 as

AUTO THEFT AND CRIME PREVENTION DAY



and further ask all citizens to increase their awareness and education about auto theft related crimes, learn more about taking responsibility for their property and work with local law enforcement agencies to continue innovative efforts to reduce crime in Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

FIX A LEAK WEEK

[M16-42]

WHEREAS, Arizona is located in the Sonoran Desert, making water supplies an important resource to our economy, quality of life, and future; and

WHEREAS, fixing common household leaks, which include leaking toilet flappers, dripping faucets, broken sprinklers, and other leaking valves, can save homeowners 10 percent or more on their monthly utility bills; and

WHEREAS, it is estimated that leaks account for more than one trillion gallons of water across the United States each year, equal to the annual household water use of more than 11 million homes; and

WHEREAS, WaterSense is a partnership program sponsored by the United States Environmental Protection Agency (EPA) to protect the future of our nation’s water supply by promoting and enhancing the market for water-efficient products and services; and

WHEREAS, the Arizona Municipal Water Users Association (AMWUA) and its member cities; Avondale, Chandler, Gilbert, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, and Tempe are championing the cause for finding and fixing leaks, both indoor and outdoor; and

WHEREAS, AMWUA, municipalities, private utilities, state agencies, organizations, businesses, and residents throughout Arizona work to eliminate leaks and to use water efficiently in order to ensure water supplies for future generations.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 14 - 20, 2016 as

FIX A LEAK WEEK

and I further encourage all citizens of Arizona to pledge to find and repair leaks and to use water efficiently.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

SOCIAL WORK MONTH

[M16-43]

WHEREAS, the primary mission of the social work profession has been to enhance well-being and help meet the basic needs of all people, especially the most vulnerable in society; and

WHEREAS, social work pioneers have helped pave the way for positive social change, but social workers recognize that more must be done to address persistent social problems; and

WHEREAS, social workers are change agents who put the ideals of citizenship into action every day through major legislative, regulatory, and social policy victories and apply their research and legislative advocacy skills to transform community needs into national priorities; and

WHEREAS, social workers know from experience that discrimination of any kind limits human potential and must be eliminated and know from experience that poverty and trauma can create lifelong social and economic disadvantages; and

WHEREAS, social workers help people in every stage of life function better in their environments, improve their relationships with others, and solve personal and family problems; and



WHEREAS, all children have the right to safe environments and quality education; and
WHEREAS, dignity and care-giving for older adults help define a nation's character; and
WHEREAS, veterans and their families need community support to ensure successful transitions after service; and
WHEREAS, access to mental health treatment and health care services saves millions of lives and research shows that all people, no matter their circumstances, at some time in their lives, may need the expertise of a skilled social worker; and
WHEREAS, social workers celebrate the courage, hope and strength of the human spirit throughout their careers.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 2016 as

SOCIAL WORK MONTH

and I further urge all citizens to join with the National Association of Social Workers, Arizona Chapter in celebration and support of the Social Work profession.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:

Michele Reagan
SECRETARY OF STATE

SUDDEN UNEXPLAINED DEATH IN CHILDHOOD AWARENESS MONTH

[M16-44]

WHEREAS, Sudden Unexplained Death in Childhood (SUDC) is the sudden and unexplained death of a child over the age of 12 months which remains unexplained after a thorough case investigation is conducted, including performance of a complete autopsy, examination of the death scene, and review of the child's medical history; and
WHEREAS, each year, there are more than 4,600 sudden unexpected infant deaths and over 200 children between the ages of one and four who die without any clear cause of explanation. In Arizona in 2014, seven youth more than one year of age died from an undetermined manner, and 85 infants less than one year of age died suddenly and unexpectedly with 82 of these deaths occurring in an unsafe sleep environment; and
WHEREAS, while less common than Sudden Unexpected Infant Death (SUID), which occurs before the first birthday, SUDC is an important health concern deserving of increased public awareness and research; and
WHEREAS, at the present time, there is no way to prevent SUDC as its cause(s) is not known. It is hoped that future research will identify means by which SUDC can be prevented. If and when risk factors are identified, such as prone sleep position for SUID, then one might anticipate reduction in the risk of SUDC; and
WHEREAS, we recognize the dedicated efforts of organizations such as the SUDC Foundation, medical professionals, and volunteers that are working to better understand the causes of sudden unexplained death, improve the health of infants and children, and provide much needed hope and support for those families grieving the heartbreaking sudden unexplained death of a child; and
WHEREAS, Sudden Unexplained Death in Childhood Awareness Month provides an opportunity to honor the memory of the young lives that ended too soon, show encouragement and support for the families and loved ones forever devastated by their loss, and increase public awareness of SUDC and the ongoing search for answers.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 2016 as

SUDDEN UNEXPLAINED DEATH IN CHILDHOOD AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:

Michele Reagan
SECRETARY OF STATE

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “Information” in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT PROPOSED**

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

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Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

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2016 RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30/13
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/13	12/2	1/31/13
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/13	12/3	2/1/13
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/13	12/4	2/2/13
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/13	12/5	2/3/13
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/13	12/6	2/4/13
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/13	12/7	2/5/13
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/13	12/8	2/6/13
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/13	12/9	2/7/13
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/13	12/10	2/8/13
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/13	12/11	2/9/13
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/13	12/12	2/10/13
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/13	12/13	2/11/13
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/13	12/14	2/12/13
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/13	12/15	2/13/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/13	12/16	2/14/13
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/13	12/17	2/15/13
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/13	12/18	2/16/13
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/13	12/19	2/17/13
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/13	12/20	2/18/13
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/13	12/21	2/19/13
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/13	12/22	2/20/13
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/13	12/23	2/21/13
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/13	12/24	2/22/13
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/13	12/25	2/23/13
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/13	12/26	2/24/13
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/13	12/27	2/25/13
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/13	12/28	2/26/13
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/13	12/29	2/27/13
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/13	12/30	2/28/13
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/13



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from September 4, 2015 to March 18, 2016.



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by noon of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2015	December 18, 2015	December 29, 2015	January 5, 2016
December 21, 2015	January 15, 2016	January 26, 2016	February 2, 2016
January 19, 2016 (Tuesday)	February 12, 2016	February 23, 2016	March 1, 2016
February 16, 2016 (Tuesday)	March 18, 2016	March 29, 2016	April 5, 2016
March 21, 2016	April 15, 2016	April 26, 2016	May 3, 2016
April 18, 2016	May 20, 2016	June 1, 2016 (Wednesday)	June 7, 2016
May 23, 2016	June 17, 2016	June 28, 2016	July 6, 2016 (Wednesday)
June 20, 2016	July 15, 2016	July 26, 2016	August 2, 2016
July 18, 2016	August 19, 2016	August 30, 2016	September 7, 2016 (Wednesday)
August 22, 2016	September 16, 2016	September 27, 2016	October 4, 2016
September 19, 2016	October 14, 2016	October 25, 2016	November 1, 2016
October 17, 2016	November 18, 2016	November 29, 2016	December 6, 2016
November 21, 2016	December 16, 2016	December 28, 2016 (Wednesday)	January 4, 2017 (Wednesday)

*Materials must be submitted by **noon** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.